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MONTANA LEGISLATIVE HISTORY

Chapter 529 19 87

Bill H 471 S _____ Original bill & history ✓ C

H. Committee on Business & Labor			S. Committee on Public Health Welfare		
Hearing Date(s)	1-30	✓ C	Hearing Date(s)	3-6	✓ C
	2-9	✓ C		3-11	✓ C
	_____	___ C		_____	___ C
	_____	___ C		_____	___ C
Date Out	_____	___ C			

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

1/26	INTRODUCED		
1/26	REFERRED TO STATE ADMINISTRATION		
2/05	HEARING		
2/05	COMMITTEE REPORT--BILL PASSED		
2/07	2ND READING PASSED	99	0
2/09	3RD READING PASSED	95	0
	TRANSMITTED TO SENATE		
2/11	REFERRED TO STATE ADMINISTRATION		
2/20	HEARING		
2/24	COMMITTEE REPORT--BILL CONCURRED		
3/03	2ND READING CONCURRED	46	4
3/05	3RD READING CONCURRED	36	13
	RETURNED TO HOUSE		
3/10	SIGNED BY SPEAKER		
3/10	SIGNED BY PRESIDENT		
3/11	TRANSMITTED TO GOVERNOR		
3/13	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 80 EFFECTIVE DATE: 3/13/87		

HB 470 INTRODUCED BY MILES, ET AL.
GENERALLY REVISE PROCEDURE OF YOUTH COURT AND LAW REGARDING YOUTH OFFENDER

1/26	INTRODUCED		
1/26	REFERRED TO JUDICIARY		
1/27	FISCAL NOTE REQUESTED		
2/02	FISCAL NOTE RECEIVED		
2/17	HEARING		
2/18	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	87	2
2/21	3RD READING PASSED	91	1
	TRANSMITTED TO SENATE		
2/23	REFERRED TO JUDICIARY		
3/18	HEARING		
3/23	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/28	2ND READING CONCURRED	50	0
3/30	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/07	2ND READING AMENDMENTS CONCURRED	87	2
4/08	3RD READING AMENDMENTS CONCURRED	89	2
4/10	SIGNED BY SPEAKER		
4/11	SIGNED BY PRESIDENT		
4/11	TRANSMITTED TO GOVERNOR		
4/16	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 515 EFFECTIVE DATE: 10/01/87		

HB 471 INTRODUCED BY DARKO, ET AL.
PROVIDING FOR LICENSING AND REGULATION OF DIETITIANS AND NUTRITIONISTS

1/26	INTRODUCED		
1/26	REFERRED TO BUSINESS & LABOR		
1/27	FISCAL NOTE REQUESTED		
1/30	HEARING		
2/02	FISCAL NOTE RECEIVED		
2/09	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/11	2ND READING PASSED AS AMENDED	83	14

2/13	3RD READING PASSED	76	15
	TRANSMITTED TO SENATE		
2/16	REFERRED TO BUSINESS & INDUSTRY		
2/24	REREFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/06	HEARING		
3/12	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/17	2ND READING CONCURRED AS AMENDED	36	14
3/19	3RD READING CONCURRED	36	14
	RETURNED TO HOUSE WITH AMENDMENTS		
3/25	2ND READING AMENDMENTS NOT CONCURRED	94	3
3/25	FREE CONFERENCE COMMITTEE APPOINTED		
3/27	FREE CONFERENCE COMMITTEE REPORT		
4/07	2ND READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	89	4
4/08	3RD READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	83	8
	SENATE		
3/26	FREE CONFERENCE COMMITTEE APPOINTED		
4/06	FREE CONFERENCE COMMITTEE REPORT		
4/07	2ND READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	50	0
4/08	3RD READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	50	0
4/11	SIGNED BY SPEAKER		
4/13	SIGNED BY PRESIDENT		
4/13	TRANSMITTED TO GOVERNOR		
4/17	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 529 EFFECTIVE DATE: 10/01/87		

HB 472 INTRODUCED BY DARKO, ET AL.
REQUIRE MEDIATION BY COURT COMMISSIONER IN ACTION FOR MARRIAGE DISSOLUTION AND LEGAL SEPARATION
BY REQUEST OF CHILD SUPPORT ADVISORY COUNCIL

1/26	INTRODUCED		
1/26	REFERRED TO JUDICIARY		
1/27	FISCAL NOTE REQUESTED		
1/30	HEARING		
1/30	FISCAL NOTE RECEIVED		
2/18	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/20	2ND READING PASSED AS AMENDED	72	18
2/20	REREFERRED TO APPROPRIATIONS		
3/05	HEARING		
3/16	TABLED IN COMMITTEE		

HB 473 INTRODUCED BY BRANDEWIE
LICENSE AND REGULATE REAL ESTATE PROPERTY MANAGEMENT BROKERS
BY REQUEST OF BOARD OF REALTY REGULATION

1/26	INTRODUCED		
1/26	REFERRED TO BUSINESS & LABOR		
1/27	FISCAL NOTE REQUESTED		
2/02	FISCAL NOTE RECEIVED		
2/09	HEARING		
2/09	COMMITTEE REPORT--BILL PASSED		
2/11	2ND READING PASSED	66	29
2/12	3RD READING PASSED	83	15

STANDING COMMITTEE REPORT

HB471.SCR

March 11, 19 87

MR. PRESIDENT

We, your committee on Public Health, Welfare, and Safety

having had under consideration House Bill 471 No.

third blue reading copy (color)

PROVIDING FOR LICENSING AND REGULATION OF DIETITIANS AND NUTRITIONISTS

DARKO (ECK)

Respectfully report as follows: That House Bill No. 471

BE AMENDED AS FOLLOWS:

1. Page 2, line 4.
Following: "ACCREDITATION"
Strike: "OR"
Insert: "and"

2. Page 2, following line 22.
Insert: "(6) "General nutritional information" means information on:
(a) principles of good nutrition;
(b) foods to be included in a daily diet;
(c) the essential nutrients needed by the body;
(d) recommended amounts of these nutrients;
(e) the action of these nutrients on the body;
(f) the effects of deficiencies in these nutrients; or
(g) foods and supplements that are good sources of essential nutrients."
Renumber: subsequent subsections

3. Page 3, line 25
Following: "[THIS ACT];"
Insert: "or"

4. Page 4, lines 4 and 5.
Following: "UNIVERSITY"
Strike: "; OR" through "COMMISSION"

DO PASS

~~DO NOT PASS~~

CONTINUED

Chairman.

March 11, 19 87

5. Page 5, lines 24 and 25.
Following: "he"
Strike: ": (a)"
Following: "COMMISSION"
Strike: "; or"
Insert: "."

6. Page 6, lines 1 through 17.
Strike: subsections (b) and (2) in their entirety
Renumber: subsequent subsection

7. Page 7, line 19.
Following: "institution or"
Strike: "a chartered"
Insert: "an accredited"

8. Page 7, line 22 through line 2 on page 8.
Strike: subsection (5) in its entirety
Renumber: subsequent subsections

9. Page 8, line 17.
Following: "public as a"
Strike: "dietician or a"

10. Page 11, line 25.
Following: "years"
Insert: ", except that for five years after the effective date of this act the number of years of licensure required for the nutritionist member is no greater than the number of years this act has been in effect."

AND AS AMENDED,
BE CONCURRED IN

Senator Eck, Chairperson

LC 0748/01

House BILL NO. 471

INTRODUCED BY Parker Kitselman Boyce Fleming
Stella Jean Hansen Wanda Miller Dick Pack
Taylor Eaton

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE LICENSING AND REGULATION OF NUTRITIONISTS AND DIETITIANS BY THE BOARD OF MEDICAL EXAMINERS; ADDING A DIETITIAN TO THE BOARD OF MEDICAL EXAMINERS; AMENDING SECTION 2-15-1841, MCA; AND REPEALING SECTIONS 37-21-101, 37-21-201, 37-21-301, 37-21-302, 37-21-405, AND 37-21-406, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Legislative finding and purpose. The legislature finds and declares that the practice of nutrition assessment, counseling, and education affects the public health, safety, and welfare. It is the purpose of [this act] to provide for the licensing and regulation of nutritionists and dietitians in order to protect the public health, safety, and welfare and to ensure that nutritional services of high quality are available to the people of Montana.

NEW SECTION. Section 2. Definitions. In [this act] the following definitions apply:

(1) "Board" means the board of medical examiners.

(2) "Commission" means the commission on dietetic registration, which is a member of the national commission for health certifying agencies.

(3) "Department" means the department of health and environmental sciences.

(4) "Dietetic practice" or "dietetics" is the integration and application of principles derived from the sciences of nutrition, biochemistry, physiology, and food management and from the behavioral and social sciences to achieve and maintain health. The primary function of dietetic practice is to provide nutrition assessment, nutrition counseling, and nutrition education.

(5) "Licensed dietitian" means a registered dietitian or a dietitian licensed under [this act].

(6) "Licensed nutritionist" means a nutritionist licensed under [this act].

(7) "Nutrition assessment" means the evaluation of nutritional needs of individuals and groups based on appropriate biochemical, anthropometric, physical, and dietary data in order to determine nutrient needs and to recommend appropriate nutritional intake, including both enteral and parenteral nutrition.

(8) "Nutrition counseling" means providing assistance and advice to individuals or groups in the selection of food and other sources of nutrients to achieve appropriate nutritional intake, based on:

(a) the nutrition assessment;

INTRODUCED BILL
HB-471

(b) the composition of food and other sources of nutrients; and

(c) meal preparation consistent with cultural background and socioeconomic status.

(9) "Nutrition education" means the communication of scientific food and nutrition information to individuals or groups, including but not limited to information on:

(a) the most recent recommended dietary allowances issued by the food and nutrition board, the national research council, and the national academy of sciences;

(b) food sources and meal preparation consistent with cultural background and socioeconomic status;

(c) the preservation of nutrients; and

(d) sanitation.

(10) "Registered dietitian" means a person who was registered by the commission before [the effective date of this act] and:

(a) has been granted, prior to October 1, 1983, the right to use the term "registered dietitian" by an agency authorized by the department to establish academic, experience, and training qualifications for dietitians; or

(b) has received a baccalaureate or higher degree in dietetics or a related field from a college or university accredited by the Northwestern association of schools and colleges and has satisfactorily completed:

(i) appropriate academic requirements for the field of dietetics and related disciplines;

(ii) a program of supervised clinical experience, not less than 6 months in length, that is designed to train entry-level dietitians through instruction and assignments in a clinical setting;

(iii) an examination for registered dietitians administered by an agency authorized by the department to establish academic, experience, and training qualifications for dietitians; or

(iv) such continuing education requirements as may from time to time be established by an agency authorized by the department to establish academic, experience, and training qualifications for dietitians.

NEW SECTION. Section 3. Scope of dietetic practice. A licensed nutritionist or licensed dietitian provides the following services:

(1) assessing the nutrition needs of individuals and groups and determining resources and constraints in the practice setting;

(2) establishing priorities and objectives that meet nutritive needs and are consistent with available resources and constraints;

(3) providing nutrition counseling for any individual;

(4) developing, implementing, and managing nutrition

care systems; and

(5) evaluating, adjusting, and maintaining appropriate standards of quality in food and nutrition services.

NEW SECTION. Section 4. Licensing requirements. (1) An applicant for licensure as a dietitian or a nutritionist shall file a written application with the board and demonstrate to the board that he:

(a) is a registered dietitian; or

(b) (i) has a baccalaureate degree from a regionally accredited college or university in the United States, with a major course of study in human nutrition, food and nutrition, dietetics, or food systems management or a degree from a college or university outside the United States and its territories that has been validated as equivalent to a baccalaureate degree from a regionally accredited college or university in the United States with a major course of study in human nutrition, food and nutrition, dietetics, or food systems management;

(ii) has completed at least 900 continuous hours of supervised preprofessional experience in dietetic practice; and

(iii) is registered by the commission.

(2) An applicant who meets the requirements in subsection (1) shall complete a written examination administered by the commission.

(3) An applicant shall pay an application fee, set by the board.

NEW SECTION. Section 5. Issuance of license -- effective date. (1) Upon successful completion of the requirements in [section 4], an applicant must be issued a license attesting to the date and fact of licensure.

(2) The license is effective on the date of issuance and expires 1 year after that date.

NEW SECTION. Section 6. Exemptions from licensure requirements. {This act} does not prevent:

(1) a student or intern in an approved academic program or a paraprofessional with approved dietetic training from engaging in the practice of dietetics if a licensed dietitian is available for direct supervision and if the student, intern, or paraprofessional does not represent himself to the public as a dietitian or nutritionist;

(2) a licensed physician or nurse from engaging in the practice of dietetics when it is incidental to the practice of his profession;

(3) a person licensed under any other law from engaging in the profession or business for which he is licensed if he does not represent himself to the public as a dietitian or nutritionist;

(4) an educator or advisor employed by a nonprofit

agency acceptable to the board or by an accredited degree-granting institution or a chartered elementary or secondary school from engaging in an activity within the scope of his salaried position;

(5) a person who has satisfactorily completed a baccalaureate and master's or a doctoral degree in the field of dietetics, food and nutrition, public health nutrition, or food service management conferred by an accredited college or university from engaging in the practice of dietetics;

(6) a person employed by or under contract with an agency of the state or federal government from discharging his official duty if he does not represent himself to the public as a dietitian or nutritionist;

(7) a person from marketing or distributing food products, including dietary supplements recognized by the United States food and drug administration, or from educating customers in the use of these products if he does not represent himself to the public as a dietitian or a nutritionist;

(8) a person from furnishing general nutrition information or disseminating literature if he does not represent himself to the public as a dietitian or a nutritionist; or

(9) a person from fulfilling state or federal

regulations governing the delivery or provision of nutritional health services to hospitals or long-term care facilities if he does not represent himself to the public as a dietitian or a nutritionist.

NEW SECTION. Section 7. Representation to public as dietitian or nutritionist -- limitation on use of title. No person may represent himself to the public by any title, sign, or advertisement or description of services as a dietitian, a nutritionist, a licensed dietitian, or a licensed nutritionist unless he has been licensed under [this act].

NEW SECTION. Section 8. Reciprocity. A person licensed to practice dietetics in another state with licensing requirements equivalent to or more stringent than those in [section 4] is entitled to a license to practice dietetics in Montana.

NEW SECTION. Section 9. Renewal of license -- continuing education. (1) An application for renewal of license must be made annually within 30 days after the expiration of the existing license.

(2) A renewal license must be issued when the applicant submits proof that requirements for continuing education have been met and pays a renewal fee set by the board commensurate with costs.

(3) An additional fee may be imposed on applications

for renewal received by the board more than 30 days after the expiration of the existing license.

NEW SECTION. Section 10. Powers and duties of the board. In addition to all other powers and duties conferred and imposed on the board by [this act], the board shall:

(1) examine qualified applicants for a license to practice dietetics, issue licenses to applicants who meet the requirements established by [this act], and renew licenses as provided in [section 9]; and

(2) adopt rules that set professional, practice, and ethical standards for licensed dietitians and licensed nutritionists and such other rules as may be necessary for the administration of [this act].

NEW SECTION. Section 11. Grounds for revocation, suspension, or refusal to renew license. The board may impose a fine or probationary conditions, suspend or revoke a license, or deny or refuse to renew a license if the licensee or applicant has:

(1) obtained a license by means of fraud, misrepresentation, or concealment of material facts;

(2) engaged in unprofessional conduct or gross incompetence as defined by rule of the board;

(3) been convicted of a crime of moral turpitude or a felony related to the practice of dietetics; or

(4) violated an order or rule of the board.

Section 12. Section 2-15-1841, MCA, is amended to read:

"2-15-1841. Board of medical examiners. (1) There is a Montana state board of medical examiners.

(2) The board consists of ~~nine~~ ten members appointed by the governor with the consent of the senate. Appointments made when the legislature is not in session may be confirmed at the next session.

(3) The members are:

(a) five members having the degree of doctor of medicine;

(b) one member having the degree of doctor of osteopathy;

(c) one member who is a licensed podiatrist; ~~and~~

(d) one member who is a registered dietitian; and

~~(d)~~(e) two members of the general public who are not medical practitioners.

(4) The members having the degree of doctor of medicine may not be from the same county. Each member shall be a citizen of the United States. Each member, except for public members, shall have been licensed and shall have practiced medicine or dietetics in this state for at least 5 years and shall have been a resident of this state for at least 5 years.

(5) The member who is a registered dietitian may vote

only on issues that affect the licensure and regulation of dietitians and nutritionists.

~~(5)~~(6) Members shall serve staggered 4-year terms. A term commences on September 1 of each year of appointment. A member may, upon notice and hearing, be removed by the governor for neglect of duty, incompetence, or unprofessional or dishonorable conduct.

~~(6)~~(7) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

NEW SECTION. Section 13. Repealer. Sections 37-21-101, 37-21-201, 37-21-301, 37-21-302, 37-21-405, and 37-21-406, MCA, are repealed.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB471 , as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:
An act providing for the licensing and regulation of nutritionists and dietitians by the Board of Medical Examiners.

ASSUMPTIONS:
1. One additional Board of Medical Examiners meeting will be held in FY88 to organize the program.
2. Existing Department of Commerce staff can handle the additional workload.
3. License fees will be $45/year. Renewal fees will be $20/year.
4. 190 licenses will be issued in FY88 and renewed in FY89.
5. One member will be added to the Board of Medical Examiners and will participate in three board meetings in the FY88 and two meetings in FY89.
6. No examinations will be developed or administered by the Board to determine licensure of nutritionists and dieticians.

FISCAL IMPACT:

	FY88			FY89			
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference	89 Biennium
Additional Expenditures:	$ 0	$ 8,129	$ 8,129	$ 0	$ 3,149	$ 3,149	$ 11,278
Additional Revenues:							
License/Renewal Fees	$ 0	$ 8,550	$ 8,550	$ 0	$ 3,800	$ 3,800	$ 12,350
SSR Account Balance:	$ 0	$ 421	$ 421	$ 0	$ 651	$ 651	$ 1,072

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:
None.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:
None.

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:
Section 2, subsection (3), page 2, lines 2-3; Department of Commerce handles the Board of Medical Examiners, not the Department of Health.

David L. Hunter DATE 1/31/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Paula G. Darko DATE 2/2/87
PAULA DARKO, PRIMARY SPONSOR

Fiscal Note for HB471, as introduced.

HB-471

Form CS-32
Rev. 1985

STATUS SHEET

50th LEGISLATIVE SESSION

BUSINESS AND LABOR COMMITTEE

HOUSE BILL NUMBER	ENTERED COM. DATE	DATE CONSIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CONCURRED IN DATE	BE NOT CONCURRED IN DATE	BE CONCURRED IN AMENDED DATE	BE NOT CONCURRED IN AS AMENDED DATE
439	1/24/87	2/4/87	2/4/87			2/4/87					
440	1/24/87	2/4/87	2/4/87	2/4/87							
441	1/24/87	2/4/87	2/4/87	2/4/87							
443	1/24/87	2/5/87	2/10/87			2/10/87					
449	1/27/87	2/17/87	2/17/87			2/17/87					
466	1/27/87	2/18/87	2/18/87	2/18/87							
471	1/27/87	1/30/87	2/9/87			2/9/87					
473	1/27/87	2/10/87	2/9/87	2/9/87							
475	1/27/87	2/10/87	2/14 referred to Judiciary								
476	1/29/87	2/10/87	2/11/87			2/11/87					
487	1/30/87	2/10/87	2/11/87	2/11/87							
488	1/30/87	2/11/87	2/11/87			2/11/87					
497	1/30/87	2/11/87	2/11/87				2/11/87				
499	1/30/87	2/10/87	2/11/87	2/11/87							

se a separate sheet for Senate Bills, House Bills, and Resolutions.

Service Commission with a public hearing, and that standard is fair.

At the close of the hearing for House Bill No. 302, the Committee resumed their hearing in Room 312-F at 10:00 a.m.

HOUSE BILL NO. 471 - Providing For Licensing and Regulation of Dietitians and Nutritionists, sponsored by Rep. Paul Darko, House District No. 2, Libby. Rep. Darko stated there is a need for this bill with the increased awareness of health and nutrition in the United States, and because there is a potential for fraud. She said there is always a fear in licensing that a new board would be created, this bill does not provide for a new board but it does allow for the cost of an extra member to sit on the board of medical examiners. She commented that there is always a question of third party reimbursements when a profession is licensed; there is no guarantee for third party reimbursement in this bill, that is up to the insurance company and is not a back door approach to third party reimbursement; pharmacists and nurses are licensed in the state and they do not automatically receive third party reimbursements.

PROPONENTS

Cindy Brown, registered dietician, Helena. Ms. Brown stated that a registered dietician is a health care professional working in the area of food and nutrition. She said this bill provides that a person could be licensed as a dietician or nutritionist if that person is a registered dietician according to the laws of Montana, or has a baccalaureate from an accredited college or university.

Mickie Medora, registered dietician, Missoula. Ms. Medora stated nutrition is an integral part of self care and as a result of this there has been a great deal of consumer interest in nutrition and they strongly promote it. She stated the interest in nutrition has also created opportunities for a variety of people to use this interest and start providing it to the consumer whether they are appropriately qualified or not. Health fraud, she said, is a 12 billion dollar industry, nationally, and gave some examples of the types of harmful information that could be given to the consumer. Exhibit No. 1.

Dr. Kenneth Eden, physician practicing internal medicine, Helena. Dr. Eden stated that physicians have come to rely more on registered dieticians over the last several years. He said the advances in dietary counseling and in treatment for the prevention of dietary problems have been spearheaded by registered dieticians who are qualified to counsel patients in balanced diets. He commented the public has a

right to make an informed and safe choice and to know who has the educational background and experience to provide good honest dietary counseling and licensing can provide that knowledge; if the fully informed person then chooses to go elsewhere for dietary counseling, they may do so, that is the issue of the freedom of choice.

Bonnie Tippy, representing the Montana Chiropractic Association. Ms. Tippy said that the chiropractic profession was licensed fifty years ago by public initiative, and they believe the dieticians have the education and the ability to be licensed and it is important for the consumers in Montana. She commented the nutritionist and the dietician have the education and are informed, and the chiropractors have seen many abuses by people that are practicing in their field and are not qualified which can be dangerous; so for those reasons they urge support of the bill.

Dr. Steven Barrett, psychiatrist and medical writer from Allentown, Pennsylvania. Dr. Barrett stated he was in town to give a lecture at Carroll College, and he volunteered to share his views. He said he has been following the issue of nutritionist licensure and the issue of public representation of nutrition information for about 15 years and the reason that licensure has become so important in the last year or two nationwide is that something new and unprecedented has happened in the health field. He commented that about five years ago a number of schools that are not accredited and some of which are not authorized to operate began issuing degrees in nutrition and people with these degrees began promoting themselves to the public as qualified nutritionists, and at the same time other groups began issuing certificates. He said the point of licensing is to identify the people who are qualified.

Eileen Robbins, Montana Nurses Association. Ms. Robbins stated that they support the standardization of education at the baccalaureate level for nurses, dieticians, and other professionals. Exhibit No. 2.

Tony Bastien, owner and operator of Mountain Sun Natural and Specialty Foods, Bozeman. Mr. Bastien stated that he does not think this bill would affect the operation of or the merchandising capabilities of a health food store. He believes that it would be a positive step towards maintaining the integrity of the Montana health food industry and be a positive step in protecting the public. Exhibit No. 3.

Marcia Herrin, Assistant Professor of Nutrition at the University of Montana. Ms. Herrin stated her interest in nutrition began with a natural food store and her interest in the academic study of nutrition began in trying to answer

her customers questions on how to treat their diseases or diagnose their symptoms and through that interest she decided to get academic training. She believes that this bill would actually help the natural food store industry in Montana, because there is tremendous pressure on clerks to answer these kinds of questions for their customers and with this bill they will not be allowed to give them that information.

OPPONENTS

Ron Hauge, President of the Montana Pollen and Herbs. Mr. Hauge stated that he opposes this bill because of the certain limiting factors that may have a negative impact on the health food industry. He said this legislation would require considerable expenditure by state government to create full degree programs to provide license opportunities for Montanans. Exhibit No. 4 and 5.

Dr. Russell Mars, a naturopathic physician and acupuncturist, Great Falls. Dr. Mars stated while he supports the licensure in terms of dieticians, he is against the bill, because of the intent of the law to restrict the practice of giving out nutritional counseling by people other than the ones listed in the bill. He said it specifies that only medical doctors, nurses, dieticians, and food service management graduates can counsel people in nutrition. He said medical doctors have very little training in nutrition, but according to this bill they are allowed to practice nutritional counseling. He said he believes that dieticians offer a very valuable source of nutritional information, but feels that this bill would severely limit other alternative areas of nutrition.

Laughing Water, health food retailer, Helena. Mr. Laughing Water listed his objections to the bill. Exhibit No. 6.

George Allen, representing the Montana Retail Association. Mr. Allen stated his concern with this bill as they interpret is that it would require a clerk in a store to become a licensed dietician, and they think this would restrict the availability of merchandise that the consumer could buy in a particular store. He said they are concerned that the public would not be served properly under this.

Claudette Ross, Helena. Ms. Ross stated she is speaking as a consumer, and said that this bill was designed to protect Montana consumers, but in reality she feels it does the opposite by limiting her free choice. She said she is free to choose, under the constitution, the medical doctor that she feels will provide her with the best medical care she can find, and yet under this bill she will not be allowed to

seek nutritional counseling from anyone other than persons designated in the bill. Also, she questioned if the bill meant that she can't take on the responsibility as a parent to provide the health needs and nutritional needs of her children and is asking that this be clarified.

Colleen Pinkney, Mission Mountain Natural Foods Store, Polson. Ms. Pinkney stated she opposes this bill because she feels that it takes away her rights as a business person to freely discuss the products in her store, and agrees with the points raised by the other retailers.

Pat Heydlauff, National Nutritional Foods Association, which represents the retailers in the state of Montana as well as across the country. Ms. Heydlauff stated the Nutritional Foods Association and their membership does not oppose the licensure of dieticians as long as they are licensing their own profession, but legislation such as this, infringes upon many other businesses and services. She said the purpose of this bill is to protect the consumer and the public from fraud and other issues that they deal with, but the licensure act has in no way in any state protected the consumer; it protects the profession asking for the licensure, nor does licensure quarantee a certain quality or level of performance or competency from that organization. She said this bill will not prevent fraud and Montana, like every state in the nation has state laws and federal laws for protection. She said the interpretation of the scope of practice in this bill will become an enforcement problem for the state, and there are also constitutional freedom of speech and choice, at stake, freedom of speech for the retailer, and choice for the consumer. Exhibit No. 7 and 8.

Brooke Medicine Eagle, Crow Tribe. Ms. Medicine Eagle stated that she opposes the bill because the ancient knowledge that has helped humanity down through time will be made illegal and the Indian customs and traditional healers. She said many of the medicines that are recommended by medical doctors are things that are taken from the native practices, so it is a science that needs to be recognized.

Johannah Reilly, Butte. Ms. Reilly stated she opposes the bill as a consumer; she thinks the dieticians are well educated, but she opposes this bill. She quoted from a 15 page report on nutrition published in Time Magazine that she thought was misleading.

Bill Pinkney, operator of health food store, Polson. Mr. Pinkney stated this this bill would limit the nutritional counseling to licensed dieticians or nutritionists. He believes this would hurt the agricultural community of this state; because the dairy industry would not be able to

counsel the public on the nutritional value of dairy products, nor could the beef industry counsel the public on nutritional value of beef, and would follow to the grain, vegetable growers and honey and egg producers, etc. He said this would limit the rights of the agricultural community to fully promote their products.

Melinda Artz, Helena. Ms. Artz stated that she is opposing this bill as a consumer, mother, and a small business owner. She read the language of the bill, and it is needs clarification. She said as a mother she did not want the door shut on her being able to seek naturopathic medicine for her child and for others that standard medical practice is not beneficial to. She said she supports the dietician's interest in regulating themselves, but she does not support this bill in the form it is in.

India Supera, Helena. Ms. Supera stated she is opposing the bill as a consumer. She said there was a lot of fraud in alternative health care, but there was fraud in medical care also. She said this bill would limit her choices in taking responsibility for her health care, in doing her own research. She said she has seen that there are different medical treatments for different people and sometimes it is important to see a medical doctor, and other times you want to treat with naturopathic remedies. She feels there is a place for all of this and this bill doesn't provide for that. She said she does not support licensure for anybody, including medical doctors because it only protects the people who have the licenses.

Nancy Aagenes, second year medical student at the John Bastyr College of Naturopathic Medicine, Seattle. Ms. Aagenes stated she is neither opposing or supporting this bill. She said they are asking that people not be required to get their nutritional advise from only one place. She submitted amendments, and asked that naturopathic doctors be exempted from this bill and allow them to do what they are trained to do. She said they are educated about health, disease and nutrition that neither dieticians nor medical doctors are. Exhibit Nos. 9-13.

QUESTIONS

Rep. Bachini asked Mr. Laughing Water if he gave advise and prescribed health food ways in his health food store to correct some diseases Mr. Laughing Water responded that it is difficult to distinguish the providing of information and providing of advice, but in his store, it is his policy to provide only information and not advice.

Rep. Swysgood stated that it seemed that on both sides the big hang up with this bill is the health food stores, some testified that it would not hurt the stores, and others that it would. He asked Mr. Bastien how many of the items he carried were approved by the FDA and would it have a dramatic effect upon his ability to do business if this was left in the bill. Mr. Bastien responded that it stands to reason and it is his opinion, that these products are approved for sale to the general public by the FDA. He said a few of them are FDA restricted and are labeled as such, but the products that are not FDA approved would not be allowed to be sold in his store.

Rep. Swysgood asked if Mr. Bastien would explain if some of the products recognized by FDA were not approved by FDA. Mr. Bastien responded that there are a few products that are FDA restricted and cannot be sold for internal use, and if a product was not approved by FDA or if it violated FDA regulations, he and the whole industry would be nonconvicted felons for selling the products.

Rep. Swysgood asked Rep. Darko if it was the intention of the bill that the items sold in a health food store must be marked as approved by the FDA, or are they going to be sold as recognized as approved, and how are the people going to know the difference. Rep. Darko responded that a lot of the products sold in health food stores are food supplements or sold as food, and they don't have to have the FDA approval, but anything sold as a drug or used as a drug has to have the FDA approval.

Rep. Driscoll asked Mr. Bastien if he had any knowledge of a person being harmed because of an unqualified person giving bad nutritional advise. Mr. Bastien gave some examples of those that had been.

Rep. Swysgood stated that the bill listed the dietician and nutritionist; and asked why both needed to be licensed. Ms. Medora responded that they have asked to protect both the dietician and the nutritionist because the dietician is registered, but most of the problems with misinformation and fraud have been with people using the term nutritionist, much more than dietician. Therefore, she said, if the term nutritionist is not protected, nothing will be achieved by just protecting the dietician.

Rep. Swysgood asked what was listed on the degree, dietician or nutritionist. Ms. Medora stated they get a degree in nutrition.

Ms. Medora stated she wanted to clarify that she did not say they are the only qualified nutritionists, and that is being

clarified in the exemptions. They have said in their exemptions that anybody that has a masters or doctorate degree in nutrition from an accredited school may be exempted and may call themselves a nutritionist, if they wish, and they may not be licensed but they can practice their trade.

Dr. Jacqlyn Olpalka, Associate Professor of Foods and Nutrition at Montana State University. Dr. Olpalka said she is the coordinator of the plan for the dietetics program, and she has been associated with the dietetics program since 1973. She thinks the confusion relates to the different ways that dietetics program and the nutrition people can be trained. She said in this state there is a four year program, all the students are sent to intern, and it is difficult for the students to see enough patients, and enough different types of problems, because the hospitals they intern at are small.

CLOSING

Rep. Darko stated that the bottom line is that when people come to expect one thing in a label such as nutritionist or dietician, that is what they should get and this bill assures that. It was brought up that this bill would not prevent fraud, no bill will prevent fraud, she said, and this just gives a means to get at those who are practicing fraud. She said one of the reasons that she will oppose the amendment to exempt the naturopathics from the bill, is that some of the schools they are graduating from are not accredited, and that is the whole problem with licensing them. No matter how good they are, the schools are still not accredited, she said, and they need to be concerned about that. She commented that it is important to note that this bill has passed in 15 other states because from the testimonies of the opponents, it might be perceived that Montana is the only state trying to pass this.

EXECUTIVE ACTION - January 30, 1987 - 11:45 a.m.

ACTION ON HOUSE BILL NO. 471

Chairman Kitselman referred House Bill No. 471 to a subcommittee composed of Rep. Simon, Rep. Swysgood, and Rep. Brown, with Rep. Simon as chairman.

ADJOURNMENT

The meeting adjourned at 11:45 a.m.

Les Kitselman

REP. LES KITSELMAN, Chairman

DAILY ROLL CALL

BUSINESS & LABOR COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date January 30, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. LES KITSELMAN, CHAIRMAN	—		
REP. FRED THOMAS, VICE-CHAIRMAN	—		
REP. BOB BACHINI	—		
REP. RAY BRANDEWIE	—		
REP. JAN BROWN	—		
REP. BEN COHEN	—		
REP. JERRY DRISCOLL			—
REP. WILLIAM GLASER	—		
REP. LARRY GRINDE			
REP. STELLA JEAN HANSEN	—		
REP. TOM JONES			
REP. LLOYD MCCORMICK	—		
REP. GERALD NISBET	—		
REP. BOB PAVLOVICH			
REP. BRUCE SIMON	—		
REP. CLYDE SMITH	—		
REP. CHARLES SWYSGOOD			
REP. NORM WALLIN	—		

CS-30

DATE 1/30/87
HB 471

SUMMARY OF PROPOSED MONTANA DIETETIC PRACTICE ACT

Purpose: To protect public health, safety and welfare by providing for the licensure and regulation of persons practicing the profession of dietetics and excluding from the practice of dietetics persons with inadequate training and experience and persons who give false, misleading and/or harmful information.

Administration: One member on the Montana Board of Medical Examiners, who will vote only on issues that affect dietitians and nutritionists.

Terms protected: Dietitian, registered dietitian and nutritionist.

Exemptions:
1. Licensed physicians.
2. Licensed nurses.
3. Students in dietetics completing course requirements.
4. Employees (salaried or contracted) involved with nutrition related programs receiving State or Federal funds.
5. Educators/advisors employed by a nonprofit agency, an accredited educational institution, or elementary or secondary school teachers, insofar as such activities are part of the salaried position.
6. The sale or distribution of FDA approved dietary supplements.
7. Persons licensed in this state under any other law from engaging in the profession or business for which he/she is licensed.
8. Hospitals and long term care facilities (they operate under existing federal and state statutes and regulations concerning the provision of nutrition care services).
9. Furnishing general nutrition information or disseminating literature.

Qualification for Licensure: Minimum baccalaureate degree from an accredited university, 900 hours of clinical training, and passage of the National Dietetic Registration Examiniation.

Reciprocity: Dietitans and nutritionists with standards equivalent or better, moving to Montana from another state.

Professional Responsibility: Adoption by the Board of Medical Examiners of the Standards of Professional Responsibility for the dietitians/nutritionists, as stated by the American Dietetic Association.

LICENSING FOR DIETITIANS: Who are they?
Why should they be licensed?
What will it cost?
Who will be affected?

Montana's 200 Registered Dietitians are seeking to be licensed by the 1987 Montana Legislature. Following is a summary of what a Registered Dietician is; why licensing is necessary; and the answers to some important and commonly asked questions.

WHAT IS A REGISTERED DIETITIAN?

RDs (Registered Dietitians) have earned a baccalaureate degree from an accredited university where their studies focused on biochemistry, physiology, nutrition, diet therapy, economics and food service management. Besides their degree, they have completed 900 hours of clinical training and have passed the National Dietetic Registration Examination.

WHAT DOES AN RD DO?

An RD is a health professional who translates scientific information about nutrition and diet into relevant terms for individuals. They are uniquely trained to improve health through preventive, as well as therapeutic nutritional care, and provide cost-effective management of food services and clinical dietary care.

RDs provide nutrition counseling for maintaining wellness and therapy in treating heart disease, cancer, allergies, obsesity, stroke and other serious conditions. They also provide nutrition education to the public and other health care professionals.

In Montana, RDs work in schools, hospitals, extended care facilities, rehabilitation centers, public health departments, in private offices and on university and college faculties.

HOW MANY RDS ARE THERE IN MONTANA?

The Montana Dietetic Association, which was established in 1934, currently has a membership of 190 Registered Dietitians.

WHY DO DIETITIANS WANT TO BE LICENSED?

Many Montanans are being harmed by wrong, unsafe and unproven nutrition information dispensed by persons who are unqualified to provide such services. There is hard evidence of such wrongdoing in the state. Montana's elderly are the most common victims, but since Montana has no law that prevents unqualified persons from practicing nutrition counseling, this activity continues to grow. Licensure is needed to restrict the practice of nutrition services to only those persons who are qualified to do so. Only then will the consumer be protected.

WILL DIETITIANS PUT PEOPLE OUT OF BUSINESS IF THEY GET LICENSED?

No. There is no reason for anyone to go out of business when dietitians are licensed. It may be necessary for some persons to modify their type of service or nutrition information given, if they are performing services they are not qualified to provide. In other words, health food store owners can continue to sell products in their store, and to give information about their products. However, they cannot diagnose a person's illness or prescribe treatment for an illness.

ISN'T THIS REALLY JUST JOB PROTECTION?

Since state and federal regulations now require registered dietitians to be hired in positions requiring clinical nutrition services RDs are already filling those positions. Licensure will not change education requirements for these jobs, and will therefore not create any new jobs for RDs. Since a license does not mandate wage levels, a license will not increase wages for RDs. Presently, some insurers are providing third party payments under some conditions to dietitians. Licensure will in no way mandate these payments. Nurses and Pharmacists are licensed and they don't automatically receive them. Insurance companies will continue to make the decisions for third party payments on a case by case basis.

WON'T LICENSURE JUST MEAN DIETITIANS HAVE A MONOPOLY?

No, not at all. Under the terms of our proposed legislation health professionals qualified to practice nutrition such as doctors, nurses, persons with a Masters or Ph.D. in nutrition and various people such as home economics teachers, those who work for the state or counties, non-profit organizations and educational institutions whose activities are part of the salaried activity, will be able to continue their work. These people are specifically exempted in the proposed licensure bill.

WON'T LICENSURE JUST ADD TO THE BUREAUCRACY AND COST THE STATE MORE MONEY?

No. The Montana Dietetic Association has met with the Montana Board of Medical Examiners, who presently have jurisdiction over the physicians, podiatrists, physicians assistants, accupuncturists and the emergency medical technicians. The Board of Medical Examiners has no objection to the legislature mandating that they license and regulate the dietitians. And because the licensees will pay a fee that will cover the costs of their licensing and regulation, there will be no additional cost to the state. In other words, there will be no new board and no new costs to Montana taxpayers.

MONTANA
DIETETIC
ASSOCIATION
P. O. Box 939
Helena, Montana 59624

CORE KNOWLEDGE REQUIREMENTS FOR ENTRY-LEVEL REGISTERED DIETITIANS

.. Principles of human anatomy and physiology, microbiology and biochemistry.

.. Scientific principles of human nutrition in health and disease.

.. Nutrient composition of food and appropriate sources of data.

.. Principles of food science and techniques of food preparation.

.. Principles of menu planning for optimal nutrition of individuals and groups in health and disease.

.. Principles of behavioral and social sciences.

.. The influence of socioeconomic, cultural, and psychological factors on food and nutrition behavior.

.. Fundamentals of nutrition care delivery in community programs.

.. Principles of effective communication and documentation.

.. Use of computers for data processing and information management in dietetics.

.. Basic concepts of research methodology and statistical analysis.

.. Principles of education and effective methods of teaching.

.. Techniques of interviewing and counseling.

.. Principles of organization and management.

.. Fundamentals of human relations and group dynamics.

.. Fundamentals and techniques of financial management.

.. Principles and techniques of human resource management.

.. Fundamentals of quality assurance.

.. Principles of nutrition assessment, planning, intervention and evaluation.

.. The principles of procurement, food production, distribution and service.

.. Fundamentals of the political and legislative process.

.. Laws, regulations, and standards affecting dietetic practice.

.. Fundamentals of merchandising and promoting food and nutrition services.

.. Nutrient needs for various stages of the life cycle.

CORE PERFORMANCE REQUIREMENTS FOR ENTRY-LEVEL REGISTERED DIETITIANS

.. Assures that food service operations meet the food and nutrition needs of clients served and target markets.

.. Utilizes food, nutrition and social services in community programs.

.. Provides nutrition care through systematic assessment, planning, intervention and evaluation for individuals and groups.

.. Provides nutrition counseling and education to individuals and groups for health promotion, health maintenance and rehabilitation.

.. Applies current research information and methods to dietetic practice.

.. Utilizes computer and other technology in the practice of dietetics.

.. Integrates food and nutrition services in the health care delivery system.

.. Promotes positive relationships with others who impact on dietetic service.

.. Coordinates nutrition care with food service system.

.. Participates in the management of cost effective nutrition care systems.

.. Utilizes menu as the focal point for control of the food service system.

.. Participates in the management of food service systems, including procurement, food production, distribution and service.

.. Participates in the management of human, financial, material, physical and operational resources.

.. Participates in the management of a Quality Assurance (AQ) Program.

.. Provides education and training to other professionals and supportive personnel.

.. Engages in activities which promote improved nutrition status of the public and advance the profession of dietetics.

.. Recognizes the impact of political, legislative and economic factors on dietetic practice.

.. Complies with the Standards of Professional Responsibility and Standards of Practice for the Profession of Dietetics.

.. Utilizes effective communication skills in the practice of dietetics.

.. Engages in a program of self development and continuing education.

FOODS AND NUTRITION
DIETETICS - GENERAL EMPHASIS

1986-1988

NAME: _____

3:CATL F&N.86

Date entered MSU: _____

Date entered Home Economics: _____

FRESHMAN YEAR:	Qtr	Cr	Grade	Sub/Tr
Chem 131N--General Chemistry	A	3	( )	
Chem 132N--General Chemistry	W	3	( )	
Chem 134--Fund of Organic Chem	S	4	( )	
Chem 135N--General Chemistry Lab	A	1	( )	
Chem 136N--General Chemistry Lab	W	1	( )	
Chem 139--Fund of org Chem Lab	S	1	( )	
Econ 105S--Econ Way of Thinking	W	4	( )	
Econ 204--Microecon Principles	S	4	( )	
Engl 121C--College Writing I	A	4	( )	
Psy 103S--General Psychology	S	4	( )	
SpCm 110C--Intro to Public Comm	W	4	( )	
Home Economics Core	A=7	W=4	( )	
University Core and Electives	S	4	( )	

SOPHOMORE YEAR:				
Acct 221--Principles of Acct I	S	3	( )	
Biol 121N--General Biology--Cells	A	4	( )	
Biol 211N--Physiol & Anatomy I	W	5	( )	
CS 150T--Computer Literacy	W	4	( )	
HEc 221N--Basic Nutrition	W	4	( )	
HEc 226--Food Science I	A	4	( )	
HEc 227--Food Science I Lab	A	2	( )	
HEc 271--Paraprofessional Exp	A	1	( )	
MB 101N--Microbiol Today's World	S	4	( )	
Soc 101S--Intro to Sociology OR Anth 101S--Intro to Anthrplgy	W	4	( )	
Stat 216--Elementary Statistics	S	4	( )	
Home Economics Core	A	4	( )	
University Core and Electives	A=3	S=4	( )	

JUNIOR YEAR:	Qtr	Cr	Grade	Sub/Tr
Chem 211--Biochemistry I	W	3	( )	
Chem 212--Biochem I Lab	W	2	( )	
Chem 213--Biochemistry II	S	3	( )	
Chem 214--Biochem II Lab	S	2	( )	
HEc 321--Nutr & Hum Life Cycle	A	4	( )	
HEc 322--Food Sys: Prod	W	4	( )	
HEc 323--Food Sys: Prod Exp	W	1	( )	
HEc 324--Food Sys: Purch OR HEc 325--Fod Sys: Mgmt	W	3-4	( )	
HEc 327--Food Science II	S	4	( )	
HEc 333--Household Equip	A	4	( )	
HEc 371--Research Meth in HEc	A	3	( )	
Mgmt 340--Mgmt & Organization	A	4	( )	
Mgmt 341--Human Prob in Org	W	3	( )	
Mgmt 443--Personnel Admin	S	4	( )	
Home Economics Core	W	3	( )	
University Core and Electives	A=3	W=3	( )	

SENIOR YEAR:				
HEc 324--Food Sys: Purch OR HEc 325--Food Sys: Mgmt	S	3-4	( )	
HEc 400--Senior Seminar	A	1	( )	
HEc 421--Physiological Nutr I OR HEc 422--Physiological Nutr II	W	4	( )	
HEc 427--Food Science III	S	4	( )	
HEc 428--Diet & Disease I	W	4	( )	
HEc 429--Diet & Disease II	S	4	( )	
HEc 441--Field Exper Consul	A	1	( )	
HEc 444--Skills for Work/Adults	A	4	( )	
HEc 476--Career Intern in HEc	A=2	W=2	( )	
Phy 321--Behavior Change	S	4	( )	
University Core and Electives	A=8	W=8	( )	

SELECTED EXAMPLES OF HARMFUL NUTRITION PRACTICE IN MONTANA

.. Four year old girl with Celiac Sprue, severe absorption, intolerance to wheat gluten, parents unemployed. Told by health food store to take special bread. Child continued with problems. Local dietitian checked contents of the bread - found it was made with wheat flour.

.. Adolescent male with testicular cancer. Told by a "nutritionist" to apply Aloe Vera to affected testicle. Patient happened to see physician soon after starting Aloe Vera treatment. Was hospitalized, treated by an oncologist and has been cured.

.. Adult female with cancer of the ovaries. Was advised to use a special diet. Patient was hospitalized but refused to eat anything other than the "diet". Patient lost 40# and eventually died in the hospital. Due to severe malnutrition, the therapy for cancer was ineffective. Patient could have survived if better nourished.

.. Three year old boy with osteomyelitis of the L radius. Mother was advised by a "doctor" to give the child nothing but garlic and honey for 2 weeks, and to apply garlic compresses to the affected area. Parents were unemployed, lived in a tar paper shack. The child was admitted to the hospital by court order. The infection had spread very deep by this time. The child was in severe pain and was eventually treated and cured.

.. Fifty-six year old male with congestive heart failure. Patient had been advised by a physician to consume a very low salt diet. Patient had to be hospitalized three times, the third time he was placed in the ICU with life-threatening edema. This time patient stated he had been advised to use "sea salt" and told that it has no sodium.

.. Seventy-seven year old lady was advised she should take vitamin supplements. The vitamins were "natural", made by a company in California. The lady brought $200.00 worth of vitamins. Lady's physician became aware of this and requested the local dietitian to check into her vitamin intake to determine if she really needed them. The lady had 20 different bottles of vitamins, steriods, DNA tablets and RNA tablets. She was taking toxic doses of some vitamins. Most other pills were ineffective.

.. Patient reported to local dietitian regarding an Aloe Vera product she was advised to take for diabetes. Dietitian called the "nutritionist" who is listed as such in the yellow pages, to inquire about this therapy. Dietitian was told that she recommends Aloe Vera for diabetes, as well as for any other illness. Claimed that aloe Vera also improves digestion. On checking the "nutritionist's" qualifications, it was found she had taken a course in Chemistry and Biology. She also sold her own Aloe Vera for $14.95 a quart.

.. Person was advised to buy and use the Herable-life diet from a local dealer. Person developed symptoms of bowel obstruction and was hospitalized. The diet was discontinued and the symptoms cleared. Similar symptoms have been reported in the literature with this diet.

.. Adult male with chronic lung disease/emphysema was told by a "doctor" to use a special diet. The diet allowed only certain groups of food, and did not allow milk, most fruits and meat. Patient lost weight, became progressively worse, breathing problems increased, person was hospitalized but died 3 weeks after admission.

EXHIBIT 2
DATE 1/30/87
HB 471

Montana Nurses' Association

2001 ELEVENTH AVENUE (406) 442-6710

P.O. BOX 5718 • HELENA, MONTANA 59604

HB 471

The Montana Nurses' Association supports HB 471, which would provide for the licensing and regulation of nutritionists and dieticians by the board of medical examiners.

The MNA supports the standardization of education at the baccalaureate for nurses, dieticians, and other professionals. Although this ~~committee~~ legislature did not send out a bill which would have standardized the education at the baccalaureate for registered nurses, the MNA urges your support for dieticians and nutritionists in their efforts to upgrade their profession through legal regulation.

The 21st century promises to be a very complex industrial society where advances in medicine, health care, and nutrition care will occur at a rapid rate. Montana needs to have health care professionals who are well prepared academically to meet the challenges of today and into the 21st century.

The MNA urges you give HB 471 a DO PASS recommendation.

Respectfully submitted,
Eileen C. Robbins, R.N.
January 30, 1987

EXHIBIT
DATE 1/30/82
HB 471

HOUSE BILL 471 AJ BASTIEN PAGE 1 OF 5

TESTIMONY SUBMITTED BY :

A.J. (TONY) BASTIEN, TESTIFYING IN FAVOR OF HB 471

A.J. BASTIEN
MOUNTAIN SUN
NATURAL & SPECIALTY FOODS
10 EAST MAIN
BOZEMAN, MT 59715
PHONE: 586-5511 (W), 586-8700 (H)

MY NAME IS TONY BASTIEN, I AM THE OWNER AND OPERATOR OF MOUNTAIN SUN NATURAL AND SPECIALTY FOODS IN BOZEMAN WHICH IS THE THIRD LARGEST HEALTH FOOD STORE IN MONTANA.

I WOULD LIKE TO TESTIFY IN FAVOR OF HOUSE BILL 471

I HAVE OWNED AND OPERATED MY HEALTH FOOD STORE SINCE 1981, AND I FIRST BECAME CONCERNED WITH THE ISSUES DEALT BY HOUSE BILL 471 ABOUT FOUR YEARS AGO WHEN I REALIZED THERE WAS A LACK OF SELF-POLICING, AND MONITORING WITHIN THE HEALTH FOOD INDUSTRY.

NOW, THIS BILL, AS IT IS WRITTEN WILL NOT IN ANY WAY AFFECT THE OPERATION OF, OR THE MERCHANDISING CAPABILITIES OF MY STORE AS IT IS CURRENTLY MANAGED.

I HAVE DISCUSSED THIS BILL WITH RICK GOMES, OWNER OF THE OAK SPOKE HEALTH FOOD STORE IN LIVINGSTON, AND WITH RICK ALDRED, BUYER FOR THE GOOD FOOD STORE IN MISSOULA, AND WE ALL AGREE THAT THIS BILL WILL NOT HURT OUR BUSINESS.

→

HOWEVER, WHEN UNQUALIFIED INDIVIDUALS PERFORM NUTRITIONAL EVALUATIONS, AND DICTATE DIETARY PROGRAMS FOR THEIR CLIENTS. DIETARY PROGRAMS THAT NOT ONLY HARM, BUT CAN, IN SOME INSTANCES KILL THEIR CLIENTS,

..... THIS IS WHAT HURTS MY STORE, HURTS ALL HEALTH FOOD STORES AND OUR CREDIBILITY AS HEALTH FOOD RETAILERS.

..... CREDIBILITY, AND REPUTATION FOR WORKING IN THE PUBLIC'S INTEREST AS CAN BE EVIDENCED BY RECENT ADVANCES IN ATHLETIC NUTRITION AND BY OUR NATION'S AWAKENING TO FITNESS AND HEALTH.

HOUSE BILL 471, WILL, IN MY OPINION, BE A POSITIVE STEP TOWARDS MAINTAINING THE INTEGRITY OF THE MONTANA HEALTH FOOD INDUSTRY AND THAT OF THE INDIVIDUALS WE WORK WITH, AND AT THE SAME TIME, HOUSE BILL 471 WILL ALSO BE A POSITIVE STEP TOWARDS PROTECTING THE PUBLIC, ESPECIALLY THE POOR AND THE ELDERLY.

REASONS WHY HEALTH FOOD RETAILERS OPPOSE THIS BILL:

AS I SEE IT, THERE ARE UNQUALIFIED INDIVIDUALS WHO HAVE A VESTED INTEREST IN PREVENTING THIS BILL'S PASSAGE, BECAUSE THESE INDIVIDUALS ACT AS NUTRITIONAL CONSULTANTS AND AS OUTLETS FOR HIGH PRICED, AND OFTENTIMES WORTHLESS SUPPLEMENTS, NOW THESE INDIVIDUALS HAVE CONVINCED MANY HEALTH FOOD STORE OWNERS THAT HOUSE BILL 471 WILL HURT THEM, WHEN IN FACT, IT IS THESE UNQUALIFIED NUTRITIONAL CONSULTANTS WHO ARE DAMAGING THE CREDIBILITY AND THE GOOD NAME OF HEALTH FOOD STORES. I THINK MANY HEALTH FOOD STORE OWNERS HAVE BEEN MISLED INTO BELIEVING THAT HOUSE BILL 471 WILL ACTUALLY HURT THEIR BUSINESS.

EXAMPLES OF WHAT I CONSIDER TO BE UNQUALIFIED NUTRITIONAL ADVICE

A.- MSU FACULTY CAME INTO MY STORE LOOKING FOR EGGS FROM CHICKENS THAT HAD BEEN VACCINATED AGAINST CANCER. NUTRITIONAL CONSULTANT/ PRACTITIONER IN SAN DIEGO RECOMMENDED THESE FOR HIS TERMINALLY ILL WIFE (CANCER) AND THIS MAN HAD BEEN PURCHASING THESE EGGS FOR 48^{00} A DOZEN. (I HAVE NEVER HEARD OF AN ANTI-CANCER VACCINE, FOR HUMANS OR ANIMALS).

B.- YOUNG WOMAN CAME INTO MY STORE LOOKING FOR SOME CHLOROPHYLL. A NUTRITIONAL COUNSELOR HAD ADVISED A MASSIVE VITAMIN A REGIMEN WHICH HAD, ACCORDING TO HER PHYSICIAN, DONE IRREPAIRABLE DAMAGE TO HER LIVER. WHEN I ASKED HER, "WHY CLOROPHYLL?" SHE HAD BEEN GIVEN THIS ADVICE BY YET ANOTHER NUTRITIONAL COUNSELOR. CHLOROPHYLL BY THE WAY, IS ANOTHER HIGH SOURCE OF VITAMIN A WHICH COULD FURTHER DAMAGE HER LIVER.

C.- OLDER MAN CAME TO MY STORE, WANTED TO SELL ME SOME TWENTY BOTTLES OF SCHIFF DL-CARNITINE AMINO ACID SUPPLEMENTS. ABOUT $200.00 AT RETAIL. NUTRITIONAL CONSULTANT HAD SOLD HIM TWO CASES (24) OF THESE BOTTLES OF DL-CARNITINE AS PART OF AN IMPROVED DIET PROGRAM, AND NOW THIS OLDER MAN NEEDED THE MONEY, FELT HE WASN'T GETTING ANY BENEFIT FROM THE SUPPLEMENTS.

D.- I HAD A LUMP ON MY BACK, WENT TO A "NUTRITIONAL CONSULTANT" WHO "READ" MY EYES AND ATTRIBUTED MY AILMENT TO A POOR DIET, AND TOO MANY "TOXINS," RECOMMENDED A DIETARY "CLEANSING" PROGRAM THAT INCLUDED NUMEROUS CAPSULED HERBS WHICH HE, OF COURSE, WAS MORE THAN WILLING TO SELL. LATER ON, MY PHYSICIAN DIAGNOSED AND OPERATED ON MY LUMP WHICH TURNED OUT TO BE A SUB-CUTANEOUS

CONTINUED

INFECTION, ONE THAT VERY WELL COULD HAVE CAUSED ME TO DIE, AND I MEAN DIE, FROM BLOOD POISONING IF IT HAT BURST.

E: MY FRIEND LINDA FRANTZ WENT TO A HEALTH CONSULTANT WHO, THROUGH A FEW MUSCLE TESTS (KINESIOLOGY) DETERMINED THAT HER PARENTS DID NOT LOVE HER, AND THAT AS A RESULT, SHE SUFFERED NUMEROUS NUTRITIONAL DEFICIENCIES, WHICH REQUIRED SOME 70^{00} IN SUPPLEMENTS TO CORRECT, SUPPLEMENTS, WHICH THE CONSULTANT WANTED TO SELL HER.

F: FRIEND OF MINE WENT TO A NUTRITIONAL CONSULTANT, WHO TOLD HIM HIS "AURA" WAS FULL OF HOLES, ETC. ON ACCOUNT OF HIS POOR EATING HABITS. MY FRIEND WAS PUT ON AN EXTREME "CLEANSING" DIET & SUPPLEMENTATION, THE ILL EFFECTS OF WHICH HE STILL FEELS TODAY, SOME THREE YEARS AFTER TERMINATING THE CLEANSING DIET. ABOUT A YEAR OR SO AFTER HE HAD REVERTED BACK TO HIS "POOR" EATING HABITS, HE RAN INTO THE ABOVEMENTIONED NUTRITIONAL CONSULTANT WHO COMMENTED ON HOW CLEAN AND VIBRANT HIS "AURA" WAS.

EXHIBIT 7
DATE 1/30/87
HB 471

WITNESS STATEMENT

NAME Jon Hauge BILL NO. 471

ADDRESS Box 1 Arlee DATE 1/30/87

WHOM DO YOU REPRESENT? Montana Botanicals, Inc.

SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I am opposed to this legislation for the following reasons.

1. Montana has a unique opportunity as a supplier of value added nutritional products for the nations $2 billion health food industry. Our company alone will sell over $1.1 million of health food products out of state. In February, hundreds of Montana farmers and ranchers are gathering in Bozeman to learn about producing and marketing health food products such as organic beef and grains and medicinal herbs. This legislation would have a serious impact on free market opportunities for Montana's agriculture industry.

2. Laws and regulations are already in place to protect consumers. This bill restricts opportunities for non dietetic practitioners while creating a monopoly for dietitians.

3. I checked with the Montana University system regarding degree opportunities for Montanans to get a baccalaureate degree in

CS-34

EXHIBIT 5
DATE 1/30/87
HB 471

Montana
Pollen &
Herbs, Inc.

P.O. BOX 1, HWY. 93 N.
ARLEE, MT 59821 USA
(406) 726-3214

Montana BIG SKY

MANUFACTURER AND WORLD-WIDE DISTRIBUTOR OF QUALITY NATURAL PRODUCTS

COPY FOR INFORMATION (Pat Heydlauff)

January 26, 1987

Rep. Joan Miles
Montana State House of Representatives
Helena, MT 59620

Dear Representative Miles,

I am writing in regards to your support of LC 748 on dietetic practice.

Aside from my strong objections to this bill on grounds that it is both unnecessary and perhaps even unhealthy for the public's wellbeing, it is also highly impractical and virtually impossible from the implementation standpoint.

This morning I called our universities to see if we even offer an appropriate baccalaureate degree for Montanans to become registered dieticians. The answer was no! Students must go out of state for their final two years of study and the program now in place that provides the first two years of preparatory study is at risk of being eliminated, due to budget restrictions.

I urge you to drop your support of this negative legislation.

Sincerely,

Ronald Hauge

Ronald O. Hauge
President & CEO

copy: Rep. Al Meyers, Helena

[illegible] of district. Generally only a [illegible] [illegible]
[illegible] [illegible] to afford [illegible] [illegible]
[illegible] [illegible] [illegible]. [illegible] [illegible]
[illegible] budget [illegible] - The [illegible]
[illegible] [illegible] at the top of the [illegible]
[illegible].

Special legislation would require considerable
[illegible] by State government to the county
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible].

DATE 1/30/87
HB 471

WITNESS STATEMENT

NAME Laughing Water BILL NO. 471

ADDRESS 433 N. Main, Helena DATE 1/30/87

WHOM DO YOU REPRESENT? Health Food Industry - Real Food Store

SUPPORT _____ OPPOSE ✓ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

EXHIBIT 6
DATE 1/30/87
HB 471

TESTIMONY IN OPPOSITION TO HB 471
PRESENTED TO THE HOUSE BUSINESS AND LABOR COMMITTEE
BY LAUGHING WATER, A HEALH FOOD RETAILER
FROM HELENA
JANUARY 30, 1987

PERSONAL BACKGROUND. I am a graduate of the Massachusetts Institute of Technology and a member of Phi Beta Kappa. I was honored at the White House as a Presidential Scholar in 1967. Since 1975 I have operated my own health food store (the Real Food Store) in Helena. In addition to my academic concentration in philosophy and psychology I have studied nutrition informally with some of the world's foremost nutritionists and have taught nutrition for college credit.

OBJECTIONS TO THE BILL

- The bill makes the words "nutritionist" and "dietitian" virtually synonymous. But nutrition is a broad field of which dietetics is but one specialization, and the bill's definition is not in agreement with common public usage. It precludes the emergence of other licensed nutrition specializations that may emerge.

- The restrictions of the bill virtually create a nutritional monopoly for dieticians.

- The bill seems to prohibit the providing of any kind of nutritional advice or assessment by unlicensed individuals. This is overly restrictive and could be applied unfairly against health food retailers (not to mention naturopaths, who are eminently qualified yet unlicensed).

- The exemption for marketing food products does not permit the providing of advice or the assessment of the consumer's needs.

- The bill permits the sale of supplements only in so far as they are recognized by the FDA. This would destroy the health food industry in Montana.

- The need for the protection this bill claims to provide has not been demonstrated by its proponents, and it has not been asked for by a significant number of consumers.

- Consumer input on this bill has been almost entirely opposed. The consumer wants freedom of choice.

- The bill raises serious constitutional issues of privacy and freedom of speech and religion and is written with such unclarity that it is likely to cause a number of court cases.

EXHIBIT 7
DATE 1/30/87
HB 471

WITNESS STATEMENT

NAME PAT HEADLAND BILL NO. HB 471

ADDRESS 125 E BAKER CUTTHROAT CH FALLS DATE 1/30/87

WHOM DO YOU REPRESENT? NATIONAL NUTRITIONAL FOODS ASSOC (FOR HEALTH FOOD INDUSTRY)

SUPPORT _____ OPPOSE ✓ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

DATE 1/30/87
HB 471

BASS & ULLMAN

COUNSELLORS AT LAW

747 THIRD AVENUE

NEW YORK, N.Y. 10017

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ARLINGTON, VIRGINIA 22209

January 29, 1987

FEDERAL EXPRESS

Mr. Les Kitfelman, Chairman
House Business and Labor Committee
Capitol Station, Room 436
Helena, Montana 59620

SUBMISSION OF THE NATIONAL NUTRITIONAL FOODS ASSOCIATION REGARDING MONTANA HOUSE BILL 471

This submission is made on behalf of the National Nutritional Foods Association ["NNFA"]. NNFA is a non-profit association which has several thousand members, and is comprised of manufacturers, distributors and retailers of health foods and fitness products.

NNFA opposes H.B. 471 unless it is amended. As it is presently drafted, H.B. 471 will seriously damage the fine industry that scores of Montana businesses represent. It will also interfere with the Constitutional rights of the thousands of citizens who believe it their privilege to obtain nutritional information from other than a dietitian.

Similar licensure bills have been amended or voted down in every other state. NNFA is not opposed to having dietitians licensed, but it is inalterably opposed to having dietitians try to take away, and get a monopoly on, what is not theirs to begin with. It is also opposed to new bureaucracies which will increase tax expenditures, increase administration costs, and benefit nobody but the group seeking licensure.

MONTANA DOES NOT LET ONLY ONE NEWSPAPER REPORT THE NEWS; IT SHOULD NOT LET ONE GROUP BE THE ONLY OUTLET FOR GENERAL NUTRITIONAL INFORMATION

The dietitians have testified throughout the country that all groups otner than themselves are incapable of providing nutritional information. They accuse all opposing groups, including NNFA, of claiming that there are freedom of speech or consumer choice issues involved "instead of the consumer protection issue" they claim it is. In their "Summary" submitted to this legislature, tne dietitians claim that the purpose of this licensing bill is to protect against "wrong, unsafe and unproven nutrition information.

NNFA believes in playing straight. The dietitians want licensure so that they can: (a) get third-party medical insurance reimbursement; and (b) get more professional prestige and shed the image of menu-planners. We are not against this, but why must they pretend a different issue is at stake? The President of the American Dietetic Association herself admitted this and concluded that licensure was bad:

> "Those in the profession who have examined honestly the true purpose served by licensure have acknowledged quickly that those professional groups which seek licensure are motivated primarily by the anticipated benefit to members of the profession. Yet, the purported purpose of licensing is to protect the public.
>
> * * *
>
> "Although the stated purpose of licensure is to benefit the public, few pleas for licensure have come from tne public. ...Practitioners also observe that licensing increases the potential for third-party payment for professionals..."
>
> Journal of the American Dietetic Association
> Vol. 84, No. 4 (April, 1984) page 455.

This is particularly true when there are only 190 dietitians in the entire State of Montana.

The ADA also notes that licensing won't necessarily work:

> "[T]he assurance of competence at entry level is certainly not guaranteed, because licensure examinations are generally designed not to measure competence of examinees but to test basic knowledge."
>
> "Higher incomes for professionals have resulted also accompanied by an increased cost of services to consumers."
>
> Ibid, page 454.

In this case, a person licensed "under any other law" [Sec. 6(3)] is exempted. This is hardly protection for the public.

The public does want to choose its source of nutrition. And health food businesses provide a source where the quality and value of nutritional supplements can be discussed. The public also wants access to lecturers on nutrition who are not necessarily dietitians, including people such as Nobel Laureate Linus Pauling.

It is no fairer to shut out all other nutritional information sources than it is to say that only licensed mechanics can talk to car customers. Although licensed mechanics may be the only people permitted to fix cars in professional settings, it does not mean that people should not have access to information from magazines and automobile salesmen regarding car performance and statistics.

By making dietitians the only people who can give "advice to individuals in the selection of food" [Sec. 2(8)] or "communicate nutrition information to individuals or groups", the door is closed shut on everybody else. Teachers and parents won't be permitted to lecture or counsel on eating balanced breakfasts to avoid illness; football coaches won't be able to tell players to bulk up on protein to avoid body exhaustion. Non-dietitian nutritional lectures will be prohibited. It all makes little sense.

Nor is their proposed set of exemptions adequate [Section 6]. Any person who "represents" himself as a dietitian "is prohibited from giving nutritional information. Section 2 makes anyone who

gives advice on food selection one who represents" himself as a dietitian.

NNFA thus respectfully asks that the bill be defeated or amended properly. Let the dietitians pursue their profession without pushing out everybody else. There is a good reason that the dietitians have failed in thirty states to enact this broad a bill.

"DIETITIANS" ARE NOT "NUTRITIONISTS"

Whereas in other states - indeed, for 50 years in this country - the dietitians have been satisfied with only one name, they now want two: "dietitian" and "nutritionist".

After thirty bites at the apple, the dietitians still have not shown that they are entitled to exclusive use of the term "nutritionist". Twenty other states have declined to insert the word "nutritionist". They all had good reason. Those states are: Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Missouri, New Jersey, New York, New Mexico, Oregon, Rhode Island and Utah.

"Dietitians" are a subgroup of "nutritionists". Nutrition and dietetics are separate academic disciplines in graduate institutions. It is for good reason that the "American Dietetic Association" has been so named for almost half a century. Indeed, in a recent publication used by the ADA entitled "Glossary, Accreditation Manual for Hospitals, 1985 (Joint Commission on Accreditation of Hospitals)", there is a definition for "dietitian, qualified", but none for "nutritionist".

Most significantly, the term "nutritionist" does not have an established limitation. It is an evolving term whose parameters will doubtless be established within the next decade as more health subspecialties evolve.

It is crucial to re-emphasize that while some dietitians may also be called nutritionists, they are not the only people who can be so labelled. It is wrong to foreclose at this date a title which may very well -- and probably will -- become available to many others in the near future.

The worst alternative would be to establish a definition of "nutritionist" which is the same as "dietitian". It would be as if nurses decided to take on the exclusive use of the title "paramedics" ten years ago, preventing the evolution of a crucial

health subspecialty. We would also note that the State of Michigan, in a December, 1984 governmental study, recommended a moratorium on the licensure of all new health subspecialties in part for the reasons stated above. New Jersey has followed suit on all licensure because of fiscal implications.

THE ISSUE OF MONEY

No one can seriously claim that an additional licensing board does not cost money. There are personnel to administer the standards; personnel to supervise licenses; the costs of maintaining a board [Section 10]; and the increased costs to State agencies of paying increased salaries.

As the ADA itself noted, licensing means higher fees. Those fees will be paid by state and private institutions alike.

What is more, if individuals have to pay professional fees in the future in order to obtain advice on selecting foods, costs to the average will skyrocket. As it is said, there is no such thing as a free lunch.

CONFUSING THE ISSUE OF ENFORCEMENT AGAINST HEALTH FRAUD

Health fraud is a problem. NNFA is staunchly against it. But Montana does not need to demolish the field of nutrition in order to weed out some bad actors.

The FDA has made health fraud its number one enforcement priority. It has a new unit established for this purpose. There are numerous enforcement actions underway at this time.

State Attorneys General and local fraud bureaus have been very active. Montana, as other states, has two potent anti-health fraud measures on its books already: statutes prohibiting the practice of medicine without a license, and fraud laws.

The issue is thus not one of needing more laws. It is one of enforcement. Moreover, H.B. 471 is not an anti-health fraud law in the first place; it is a licensing bill.

THE FAILURE TO CONSIDER EVEN FUNDAMENTAL CONSTITUTIONAL ISSUES

The final problem with this bill is that it does not even deign to deal with the enormous constitutional free speech issue it raises.

This is a nation founded upon basic rights to free speech. The freedom to choose a source of nutritional information is part of that right. No group has the right to shut the mouths of others who offer legal source of information to the public.

There would be no issue were it not for the fact that people obviously want many sources of information from which they can select what is personally appropriate. Leaving these avenues open is not a question of preference; it is a matter of right.

NNFA respectfully requests that H.B. 471 be so amended or defeated.

Respectfully,

NATIONAL NUTRITIONAL FOODS ASSOCIATION

Pat Vazquez
President

Patricia Heydlauff
Executive Director

BASS & ULLMAN
I. Scott Bass
Legal Counsel

DATE 1/30/87
HB 471

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ARLINGTON, VIRGINIA 22209

February 3, 1987

FEDERAL EXPRESS

Mr. Les Kitfelman, Chairman
House Business and Labor Committee
Capitol Station, Room 436
Helena, Montana 59620

Re: Montana House Bill 471

Dear Chairman Kitfelman:

I enclose herewith 25 copies of proposed amendments to H.B. 471 reflecting the January 29, 1987 comments of the National Nutritional Foods Association.

Respectfully,

NATIONAL NUTRITIONAL
FOODS ASSOCIATION

BASS & ULLMAN
I. Scott Bass
General Counsel

ISB:dmr
Enclosure

Proposed Amendments
to
House Bill No. 471

Page	Section	Line(s)	Amendment
1	Title	5	Delete "Nutritionists and"
1	1	14	Delete "nutrition assessment, counseling and education" Substitute: "dietetics"
1	1	17	Delete "nutritionists and"
2	2(4)	5-10	Delete Substitute: "providing of nutritional counseling or support in a therapeutic setting, pursuant to licensed medical supervision, and the operation or supervision of institutional nutritional programs"
2	2(6)	13-14	Delete
2	2(7)	15	Renumber as "(6)"
		18-19	Delete "and to recommend appropriate nutritional intake" Substitute: "in a therapeutic setting, pursuant to licensed medical supervision"
2	2(8)	21	Renumber as "(7)"
		22-25	Delete Substitute: in accordance with the definitions of "dietetic practice" and "nutrition assessment" above
3	2(8)	1-4	Delete
		5	Renumber as "(8)"
3	2(9)	6-14	Delete Substitute: "information to individuals or groups consistent with the definitions set forth above in Sections 2(4) and 2(6)"

Page	Section	Line(s)	Amendment
4	2(10)	15	Change to "(9)"
4	3	16	Delete "Nutritionist or"
4	3	18-19	Delete "assessing the nutrition needs of individuals and groups and"
4	3	23	Add: "in the practice areas set forth above"
5	4	5	Delete "or nutritionist"
6	6(3)	21	Add: "medical practice" after the word "other" and before the word "law"
7	6(7)	16-17	Delete "recognized by the United States food and drug administration"
		19	Delete "represents himself to the public as" Substitute: "call himself"
		19-20	Delete "or a nutritionist"
7	6(8)	21	Delete "general"
		23	Delete "represent himself to the public as" Substitute: "call himself"
		23-24	Delete "or a nutritionist"
8	6(9)	4	Delete "or a nutritionist"
8	7	6	Delete "or a nutritionist"
		9	Delete "or a nutritionist"
		9-10	Delete "or a licensed nutritionist"
9	10	11-12	Delete "and licensed nutritionists"
11	12(5)	2	Delete "and nutritionists"

EXHIBIT 1
DATE 1/30/87
HB 471

WITNESS STATEMENT

NAME _____ BILL NO. _____

ADDRESS _____ DATE _____

WHOM DO YOU REPRESENT? _____

SUPPORT _____ OPPOSE _____ AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

EXHIBIT 1
DATE 1/30/87
HB 471

Testimony on HB 471

Nancy Aagenes, '89
John Bastyr College

For the record my name is Nancy Aagenes. I am not opposing or supporting HB 471 and stand with Dr. Bergkamp to offer amendment to the bill. I want to thank Chairman Kitslman for allowing us the time to do this, and will address the amendment in just a moment.

I am a second year medical student at the John Bastyr College of Naturopathic Medicine in Seattle, Washington. I was born in Wolf Point, am a graduate of Rocky Mountain College in Billings, and currently maintain residency here in Helena. I have worked four sessions for the Montana State Legislature including 1977 when I served as Secretary of the Senate. In 1983 I began my medical education with two years of pre-med at Carroll College. I started at the John Bastyr College in the fall of 1985 and will graduate in 1989 as a naturopathic doctor. It is my intention to then return to Montana to practice both politics and naturopathy and that is why this bill, as written affects me directly.

Naturopathic doctors in Montana made a poltical mistake not to come before you this session with a licensure bill. Licensure for us would solve this problem.

I am not here to testify on licensure. Nonetheless, to accept our amendment you do need to understand that naturopaths are well trained physicians. For each member of the committee I have a catalogue from my school. The center fold, page 24, outlines the course work I must complete to earn this degree. Please take a moment to look thru that list of basic medical and clinical sciences. This curriculum compares with that of any traditional medical school and is about 80 percent the same.

But there ARE differences and theraputic nutrition is a very important one. To graduate I must complete 140 classroom hours in theraputic nutrition alone. That does not include all the biochemistry, diagnostics, physiology, botanical medicines and all those other classes that are related to nutrition. In contrast to this the University of Washingtom Medical School about two miles from my own requires ZERO hours in nutrition. That is true of most conventional medical schools in the country and those that do offer it have 20 to 30 hours maximum, again, compared to the 140.

Much of the testimony that I chose to delete because of your time considerations related to health care cost. We will be the first to say that there is no research to say that dollars spent in prevention are saved. That kind of research is simply not funded.

So ask people what they think. Ask people if they would rather have surgical intervention or be advised in radical, theraputic dietary changes.

Ask yourself: If you had a serious medical problem would you want to do surgery and debilitating drugs and chemotherapies? Or do you want to option for an alternative? And even if you don't want that option personally, do your consituents have the right to that option?

If that alternative is to offered we need trained physicians who can address that. Physicians who are educated about health and disease and nutrition in a way that neither dieticians or medical doctors are.

Many of the people we see are preclincial. They are tired, uncomfortable, depressed, have too many colds, digestive problems, headaches, hemmeroids and hypertension--the normal things people always have. We can really help these people. We don't give the valium. We don't give them drugs leading to other diseases--a link that even the straightest medical literature acknowledges over and over.

This is what we are trained to do. Nutrition is a part of how we do it. And that is why we need this amendment.

But I was a politician long before I had ever heard the word naturopath or natureopath or however you pronounce it. I recognize the political reality of exempting a profession that is not yet legally defined in this state. Our amendment then exempts N.D.s from the provions of the bill and includes a mechanism for defining [redacted]. N.D

The amendment would define naturopathic doctor as one who meets two of the following three criteria. These criteria were set up as by the American Association of Naturopathic Doctors as part of our self regulation.

We know there are people out there calling themselves naturopaths who are not well educated and who cannot do the things Dr. Bergkamp and I are talking about. We share the concern of the Registered Dieticians about that. We are more eager than any other group to define what a naturopathic doctor is.

Item one is an N.D. degree from an AANP approved naturopathic college. This approval is done by the Council on Naturopathic Medical Education. I have for the committee a letter from the president of the Council to Chairman Kitselman explaining that and including the handbook used by theat council.

This work is very detailed and accreditation is a complex issue I will not discuss here, but will be happy to answer any questions about.

The other two criteria are membership in a Montana state associa-- tion and licensure to practice in a state where such licensure is offered.

Of course the most preferable alternative would be a committee bill that would grant us licensure in Montana.

Assuming you might prefer a more modest approach, I offer also the specific language for amendment to the bill.

Chairman Kitselman, members of the committee, I thank you for your time and for allowing us the opportunity to rise with this amendment.

EXHIBIT 10
DATE 1/30/87
HB 431

Council on Naturopathic Medical Education

Commission on Accreditation

BOARD MEMBERS
C.C. elton, N.D., Chair
M.W. Loftin, N.D.

STATE ASSOCIATION MEMBERS
S . Dubey, N.D.
R. Moore, N.D.
S. Sandberg-Lewis, N.D.

NATIONAL ASSOCIATION MEMBER
R. Sumpter, Ph.D., N.D.

PUBLIC MEMBERS
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. Shelly, Ph.D.

Institutional Members
E. F torno, N.D., President
Ca prese, N.D., Sec/Treas

Executive Director
W. Moore, M.A.
9 Da Vinci Drive
Lake Oswego, Or 97034
503-636-8655

Office of the President of the Council
Dr. J.E. Pizzorno
C/O John Bastyr College
144 N.E. 54th Street
Seattle, Wa 98105
206-523-9585

Office of the Chair of the Commission
Dr. M.C. Shelton
4814 W. Glendale Avenue
Glendale, Az 85301
602-937-9125

Office of the Secretary/Treasurer
Dr. C. Calabrese
C/O National College of Naturopathic Medicine
11231 S.W. Market Street
Portland, Or 97216
503-255-4860

January 28, 1987

Chairman Les Kitselman
Business and Labor Committee
Montana House of Representatives
Capitol Station
Helena, MT 59601

Dear Chairman Kitselman:

I am writing to inform you about the Council on Naturopathic Medical Education. This accreditating agency was formed by the naturopathic profession in 1978 to establish nationally recognized educational standards for naturopathic medicine and to evaluate and accredit naturopathic colleges. Since that time we have developed comprehensive educational criteria. We have evaluated several colleges and have been working with the Department of Education--going through their review process for consideration for recognition as a federally approved accrediting agency. Accompanying this letter is a handbook which describes the educational standards of the Council on Naturopathic Medical Education. At this time, two colleges--John Bastyr College and National College of Naturopathic Medicine--are involved in the accreditation process with us. National College has been reviewed for Recognized Candidate for Accreditation status and John Bastyr College is being review for Accredited status. We expect to make final decicisions on their status in March 1987. If I can provide you with any additional information about the organization or a college's accreditation status, please feel free to contact me.

Sincerely,

Joseph E. Pizzorno, Jr., N.D.
President, John Bastyr College

EXHIBIT 11
DATE 1/30/87
HB 471

AMERICAN ASSOCIATION OF NATUROPATHIC PHYSICIANS

P.O. Box 5086 • New Haven, CT 06526-0386

OUTLINE OF ORGANIZATIONAL STRUCTURE

The American Association of Naturopathic Physicians is a federacy of its constituent state associations and societies. Each individual regular AANP member must meet at least two of the following three requirements:

1. N.D. degree from an AANP approved naturopathic medical college.
2. Licensure to practice naturopathic medicine in a state with a Board of Examiners recognized by the AANP.
3. Active membership in a constituent state naturopathic association or society recognized by the AANP.

The format of a federacy will strengthen the state associations while the AANP addresses itself to issues on the national level.

The governing body of the AANP is the House of Delegates. Delegates are elected by constituent state associations, each association electing at least one delegate, and an additional delegate for every ten AANP members in their jurisdiction. In addition, each recognized Specialty Society, and each College and Student Association may send one delegate. The House of Delegates meets at least annually and elects a President, Vice President and Board of Trustees that will transact business between meetings of the House.

The Board of Trustees has nine members, 3 elected each year, each with a 3-year term, with no more than 3 from any given state. The President, Vice President and Immediate Past President are ex-officio Board members, and the President serves as Chair of the Board.

The term of office of the President and Vice President is 2 years. The Vice President is the Speaker of the House and becomes President-Elect after a vote of confidence at the end of one year in office.

From its membership, the Board appoints the Chairperson of its five major departments:

1. Council on Education. *(Responsible for accreditation of colleges of naturopathic medicine. Supercedes CNME.)*
2. Department of Business Affairs. *(Fiscal control, group health and professional liability insurance, conventions.)*
3. Department of Professional Affairs. *(Membership: individual and constituent associations and societies, credentials, ethics, national directory; Constitution and By-laws.)*
4. Department of Public Affairs. *(Public relations, media exposure, corporate and public sponsorship program, affiliation with other like-minded organizations, newsletter.)*
5. Department of Government/Legal Affairs. *(Legislative initiatives, aid states in upgrading practice acts and introducing new acts in new states, legal clearinghouse, relationship to federal government.)*

The Board also appoints an Executive Director, a Controller and Journal Editor. In addition, there is currently a Special Task Force on National Board Examinations headed by AANP Board members. The Task Force will develop a uniform examination to be used and recognized by all state licensing boards.

The Scientific Assembly is an annual convocation of the AANP members for the presentation of educational subjects pertaining to naturopathic medicine.

The annual convention and meeting of the House of Delegates, the Board and the Scientific Assembly is in October of each year.

The Officers and Trustees are:

President:
James Sensenig, N.D., New Haven, Connecticut
Vice President:
to be elected
Trustee and Chair of the Council on Education:
Joseph Pizzorno, N.D., Seattle, Washington
Trustee and Chair of the Department of Business Affairs:
Enrico Liva, R.Ph., N.D., Middletown, Connecticut
Trustee and Chair of the Department of Professional Affairs:
Allen Gamble, N.D., Bend, Oregon
Steven Dubey, N.D., Kauai, Hawaii
Trustee and Chair of the Department of Public Affairs:
Michael Cronin, N.D., Phoenix, Arizona
Trustee and Chair of the Department of Government/Legal Affairs:
Jared Zeff, N.D., Los Angeles, California
Molly Fleming, N.D., New Haven, Connecticut
Trustee and Chair of the Special Task Force on National Board Examinations:
Edwin Hoffman-Smith, Ph.D., N.D., Portland, Oregon
Cordell Logan, Ph.D., N.D., West Jordan, Utah
Past Presidents:
Dr. Bernard Stueber, N.D., Past President of ANMA; resides in Lynnwood, California
Dr. Irvin H. Miller, N.D., Past President of NANP; resides in Tacoma, Washington

A quarterly newsletter will provide needed communication to the profession and facilitate dialogue with the public. A journal is also planned.

The following state naturopathic medical associations and societies are charter constituent members of the AANP. (Other state associations are encouraged to apply for constituent status.):
Arizona Naturopathic Medical Association
Connecticut Society of Naturopathic Physicians
Hawaii Society of Naturopathic Physicians
Oregon Association of Naturopathic Physicians
Utah Association of Naturopathic Physicians
Washington Association of Naturopathic Physicians

The following naturopathic medical colleges are approved by the AANP:
The John Bastyr College, Seattle, Washington
The National College of Naturopathic Medicine, Portland, Oregon

The following state licenses are recognized by the AANP: Arizona, Connecticut, Hawaii, Oregon, Utah and Washington.

Associate, student and sponsor memberships are available for those individuals ineligible for regular membership. Details will be provided on request.

Nancy Wagner

EXHIBIT 12
DATE 1/30/87
HB 471

THE COUNCIL ON NATUROPATHIC MEDICAL EDUCATION

Educational Standards and Accreditation Procedures

1986 Edition

Rev 86.2

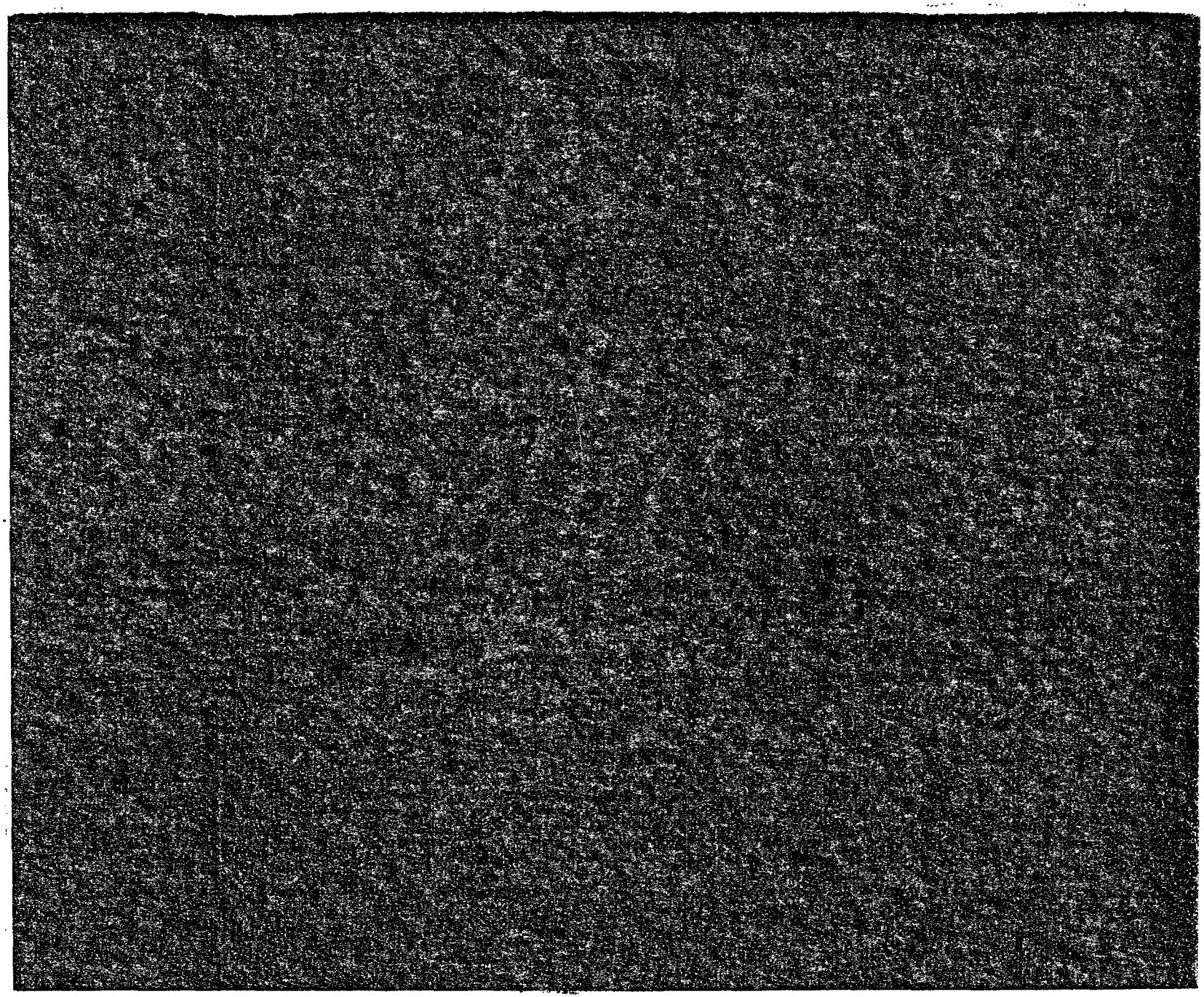

EXHIBIT 14
DATE 1/30/87
HB 471

PAT'S NUTRITION AND HERBS
2500 Sixth Avenue South
Great Falls, Montana 59405

January 29, 1987

Representative Joan Miles
Montana House of Representatives
Helena, Montana 59620

Dear Representative Miles:

I am writing in regards to your support of LC 748 on dietetic practice.

Aside from my strong objections to this Bill on grounds that it is both unnecessary and perhaps even unhealthy for the public's well-being, it is also highly impractical and virtually impossible for the implementation standpoint.

This morning I called our universities to see if we even offer an appropriate Baccalaureate Degree for Montanan's to become registered dieticians. The answer was **NO!** students must go out of state for their final two years of study and the program now in place that provides the first two years of preparatory study is at risk of being eliminated, due to budget reductions.

I urge you to drop your support of this negative legislation.

Sincerely,

cc: Representative Al Meyers

EXHIBIT 15
DATE 1/30/81
HB 471

Health Foods Shop

507 – FIRST AVENUE NORTH
GREAT FALLS, MONTANA 59401
TELEPHONE (406) 452-0361

My name is BEARICE MOE and I am the owner of the HEALTH FOODS SHOP, 507 First Avenue North in Great Falls.

I am writing to you, the members of the Business and Labor Committee to mention some of the concerns I have about House Bill 471, the Dietitians and Nutritionists Licenture Act..

No. 1 Is the restrictive nature of this bill which would take away a person's right to freedom of choice as to where he might wish to get his nutritional information.

No. 2 The added cost of getting nutritional advice from one source only.

No. 3 The bill is self-serving in that it gives one group exclusive authority to dispense nutritional information. Earning a decent living is the bottom line for all of us, but House Bill 471 discriminates against those of us who make our living in an alternate manner.

No. 4 I feel the enforcement of this law would present a problem. It would create a segregated business community of those of us in full free-standing shops, subject to strict enforcement, and of those others, such as beauty shops, health spas, sports arenas, and Avon, Shaklee, Neo-Life sales representatives who sell out of their homes, where enforcement might be uncertain.

No. 5 Before bringing my letter to a close, I want to give you a little background information.. My family has owned and operated the HEALTH FOODS SHOP for over thirty-two years, during which time we have built a reputation as a respected member of the business community. I have a yearly payroll of approximately $45,000.00. I have four clerks, some of whom depend upon their jobs at the shop for almost their entire

Health Foods Shop

507 – FIRST AVENUE NORTH
GREAT FALLS, MONTANA 59401
TELEPHONE (406) 452-0361

family income.

If this bill becomes law, the restrictions it could place upon how I operate my business will certainly impact the profitability of both me as owner and those of my employees.

I want to thank you for your thoughtful consideration of my concerns.

Please vote "NO" on House Bill 471.

Sincerely,

Beatrice Hyde

BEATRICE HYDE
Owner - Health Foods Shop

EXHIBIT 16
DATE 1/30/87
HB 471

Dr. Michael Bergkamp
The Montana Association of Naturopathic Physicians
25 South Ewing
Helena, MT 59601

House Bill # 471

1-30-87

Business & Labor Comm.

Dear Rep.

Because of scheduling confusion I was unable to testify at your comm. hearing discussing the dietitians bill. I was told I could testify outside the position of pro or con. This did not happen. So please allow me a brief statement expressing my concerns with this bill.

First I have no objection with the dietitians establishing and regulating their own profession. But this bill does much more. Nutrition is a complex and rapidly changing science. We need more than one voice. Dietitians do not represent clinical or therapeutic nutrition. Traditionally they have been responsible for planning menus at the institutional setting. We need more than this and there is much more available. This bill would restrict this availibility.

I was recently asked to lecture at a Lewis & Clark county meeting to consider naturopathy for coverage under their self insured policy. I also was asked this week to lecture at the Rocky Mt. Council to a group of alcoholics discussing acupuncture and nutrition as a treatment choice. Both of these groups represent government programs seeking nutritional advice other than that offered by dietitians. I have since been informed both Lewis & Clark and Missoula counties have included Naturopathy as an insured practice.

This bill would not only restrict my practice but would also restrict people from their freedom to choose the health care they seek.

Please consider this and reject House Bill # 471.

Sincerely yours,

EXHIBIT 17
DATE 1/30/87
HB 471

Dr. Michael Bergkamp
The Montana Association of Naturopathic Physicians
25 South Ewing
Helena, MT 59601

House Bill # 471
Business & Labor Comm.
Dear Rep.

1-30-87

Because of scheduling confusion I was unable to testify at your comm. hearing discussing the dietitians bill. I was told I could testify outside the position of pro or con. This did not happen. So please allow me a brief statement expressing my concerns with this bill.

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This bill would not only restrict my practice but would also restrict people from their freedom to choose the health care they seek.

Please consider this and reject House Bill #471.

Sincerely yours,
Michael Bergkamp ND

EXHIBIT 18
DATE 1/30/87
HB 471

PAT'S NUTRITION AND HERBS
2500 Sixth Avenue South
Great Falls, Montana 59405

January 29, 1987

Representative Joan Miles
Montana House of Representatives
Helena, Montana 59620

Dear Representative Miles:

I am writing in regards to your support of LC 748 on dietetic practice.

Aside from my strong objections to this Bill on grounds that it is both unnecessary and perhaps even unhealthy for the public's well-being, it is also highly impractical and virtually impossible for the implementation standpoint.

This morning I called our universities to see if we even offer an appropriate Baccalaureate Degree for Montanan's to become registered dieticians. The answer was **NO!** students must go out of state for their final two years of study and the program now in place that provides the first two years of preparatory study is at risk of being eliminated, due to budget reductions.

I urge you to drop your support of this negative legislation.

Sincerely,

Barbara J. Stucker

cc: Representative Al Meyers

EXHIBIT 19
DATE 1/30/87
HB 471

TO MONTANA State House Representatives
In Reward to H.B 471

THIS IS But another Attempt by the AMA through the ADA to Control the masses through Determining what they feel is the Proper Modality for Health They limit our Rights as American Citizens to Choose what Direction we Take for Health Care. We Are Being undermined By those Few with the large Finacial Backing to Impose their wants on us. This is Another Infringment on Peoples Rights By those in Power Positions I Hope you can see this and vote NO on this Bill

Sincerely
Henry G Maggart

EXHIBIT 5
DATE 1/30/87
HB 421

EXHIBIT 21
DATE 1/30/87
HB 471

Members of the Senate
State Administration
Re: HB 471

I feel that state's rights
is further infringement
on people's rights.
As the queen said, "too many
laws make people mad".
It was true then - it
is true now.
Please vote yes on
HB 471.
Thank you.

Sandra Barta
1100 Park Holter Rd.
Great Falls, Mt.
59404

EXHIBIT 22
DATE 1/30/87
HB 471

January 29, 1987

RE: BILL #471
ENTITLED: AN ACT PROVIDING FOR THE LICENSING AND REGULATION OF NUTRITIONIST AND DIETITIANS BY THE BOARD OF MEDICAL EXAMINERS; ADDING A DIETITIAN TO THE BOARD OF MEDICAL EXAMINERS: etc.

In the interest of continued growth and education of the public in the area of nutrition I urge you to withdraw this Bill. This Bill would most certainly mean a backward step for the state and nationwide health awareness movement. Great strides have been made in recent years in regards to promoting more healthful living. The ADA certainly has not kept up with this education and growth. The high fat and sugar content, along with empty calories which are the mainstay of the menus they have supplied our hospitals and public schools, attests to the fact that they have extremely limited knowledge in the field of proper nutrition. I agree that because of the publics increasing awareness of alternative health care, there needs to be regulations. They must not, however, interfere with our freedom of choice. Assigning this responsibility to members of the ADA or AMA is defeatist.

The fact that this Bill is being introduced thru Business Committee contributes to the fact that this is not so much a matter of public safety as it is a matter of money. Consumers are turning to those capable of helping them with their nutritional needs, unfortunately for dietitans this has not been them. Perhaps the real issue is that the ADA must update itself if it wishes to regain credibility with the public.

Jennifer C. Hicks

Jennifer C Hicks

1003 Fourth Ave North
Great Falls, MT 59401

EXHIBIT 23
DATE 1/30/87
HB 421

To Paula Darko or Whom it may concern,

This is to inform you that I am against bill 421 for providing for licensing and regulation of Vivisectors and substitutes - I don't feel this is in the best interest to the general public including me and my family - This bill, I feel would take away "free agency."

Thank you,

Lenny Stenson
1700 - 16 Ave S.
Great Falls, Mt.
59401
761-2615

Members of the Business and Industry Committee.

HB 471 HB 471

I am writting to let you know of my concerns about H.B 471, Dietitians and Nutritionists Licenture Act, and to ask you for a "No" Vote on the proposal

One of my concerns has to do with the fact that it restricts a persons freedom of choice as to his sources of nutritional, mutual and help, limiting him to just one group who would supply the information

The health of the nation would be in a sorry state if we had just one type of physician or surgeon to whom we could turn for medical help when it was needed

We already have a law on the books of Montana which covers almost the same points as H B 471, proposed, so I wonder why the same legislation is being proposed at the session of the legislature

How many violations of the 1985 Dietitians law have been brought to light and prosecuted If it still works, please don't change it

Thanks for your thoughtful consideration of my concerns

EXHIBIT 22
DATE 1/30/87
HB 471

Members of the Business and Labor House Committee:

I am writing to ask for your "No" vote on H.B 471, Dietitians and Nutritionists' Licensure Act.

My concern about this proposed legislation is the restricting of a persons freedom of choice in the matter of where he gets his nutritional advice and resources.

I wonder how much evidence there is that the public is demanding nutritional advice be given by one select interest group only: The American Dietitions Association? This law will surely make that kind of information more difficult to get and certainly more expensive.

Thank you for your consideration of my concerns.

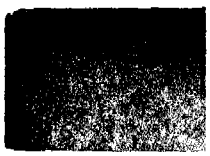
Sincerely,
Dixie Littlefield

[redacted]

DATE 1/30/87

Good morning members of the committee

I am writing to tell you of my concern about H.B. 471, the Dietitians and Nutritionists' Licenture Act.



This bill gives me some concern in that it is a very restrictive measure, allowing only those classified as licensed dietitians and nutritionist to provide nutritional information. It would limit a persons freedom of choice as to where and from whom he might want to get some nutritional help.

The bill that was passed in 1985 covers nearly the same things.

Please Vote No on this proposed Legislation.

I want to thank you for listening to my thought about H.B. 471.

Sincerely,

Sheila Knudsen

EXHIBIT 21
DATE Jan 30/82
HB 471

Members of the Business and

I am writing to ask you to vote "No" on H B. 471, Dietitian's and Nutritionist' Licensure Act.

I am concerned that this proposed legislation will restrict my personal freedom of choice in the matter of where I can get nutritional advice and resources. This law will surely make it more difficult and certainly much more expensive to obtain.

Thank you for listening and again, please vote "NO."

Sincerely Yours,

[redacted]
Rte. 2 So.
Great Falls, Mt.
59405

[redacted]

[redacted]

EXHIBIT 6
DATE 1/30/85
HB 471

Dear Rep. Joan Miles,

Thank you for not voting on House Bill 471.

Karen Kiette
Rt. 2 Box 4300
Dutton, Mt. 59433

EXHIBIT 29
DATE 1/30/87
HB 471

Jan 28, 1987

Dear House of Representatives,

Since there is no way to become a registered dietician in the State of Montana, I feel it is highly impratical to pass such a bill as House Bill 471.

Thank you for not supporting House Bill 471

Sincerely

Teres Davis

910 2nd ave. S. W.

St. Falls, MT. 59404

EXHIBIT 30
DATE 1/30/87
HB 471

June Krischel
1125 21st Ave S.W
Great Falls
Montana
59404

Jan 28th 1987.

Dear Representatives,

We thankyou for voting against House Bill 471.

Sincerly June Krischel

Dear Representative,

We thankyou for voting against House Bill 471.

Sincerly Dave Krischel

Dave Krischel
1125 21st Ave S.W.
Great Falls, MT
(406) 761-1968 59404

EXHIBIT S1
DATE 1/30/87
HB 471

28 Jan 87

Dear Rep. Cobb:

This concerns House Bill #471 - this is a BAD bill. Even if there some things we can still be free to make a choice. The public is still able to make good decisions.

Sincerly
Wanda Nelson
Vaughn, Mt 59487

VISITORS' REGISTER

BUSINESS AND LABOR COMMITTEE

BILL NO. House Bill No. 302 DATE January 30, 1987

SPONSOR Rep. Dorothy M. Bradley

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
E B White	Fort Peck MT		X
JT Miller DFW	Butte MT		X
W W Francis	Seattle, Wash	X	
A.W. Coates	Butte, MT	X	
Bill Marquardt	Glendive, MT	X	
John B Palmer	Fairview MT	X	
Mike Cooney	WHITEFISH MT	✓	
MPower Stan	Pac		
Dirk Sampson	Missoula	X	
D.G. Swanson	"		X
Nina Peterson	Bozeman		X
C. Huseman	Livingston MT		X
J.D. Whittier	GREAT FALLS	X	
Helen Elliott	Helena		
[illegible]	HELENA	X	
[illegible]	[illegible]	X	
[illegible]	[illegible]		
[illegible]	[illegible]		X
Bill Crismore	Mt Dept Mtn Helena	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

BUSINESS AND LABOR COMMITTEE

BILL NO. House Bill No. 471 DATE January 30, 1987

SPONSOR Rep. Paula A. Darko

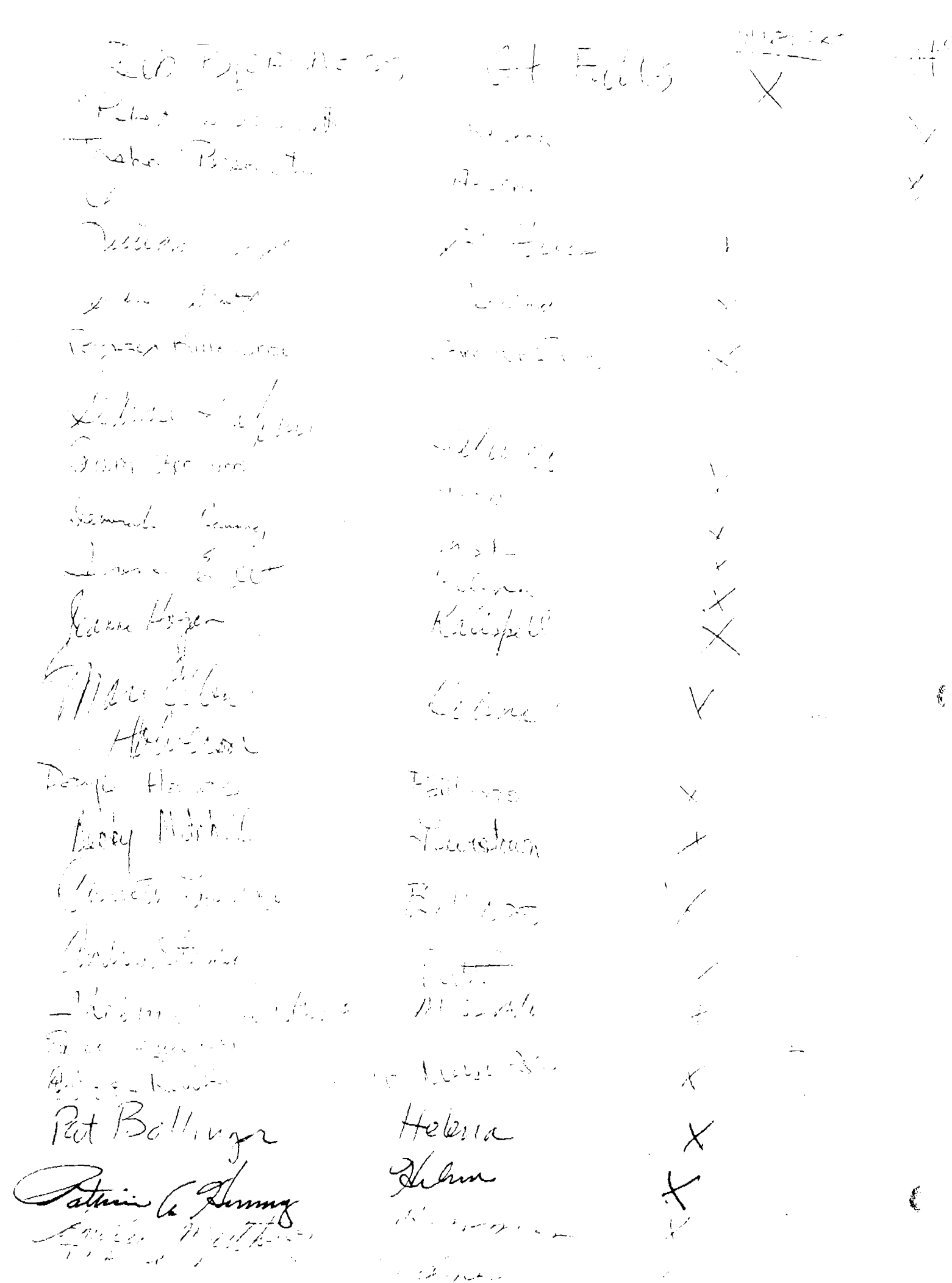
NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
[illegible]	[illegible] MT	✓	
Jeanne Shearer	Helena MT	✓	
[illegible]	[illegible]	✓	
[illegible]	Helena MT		✓
Linda Goode	Lewistown, MT	✓	
[illegible]	[illegible]	✓	
Brooke Shubinski Eyle	Helena MT		✓
[illegible]	Billings MT	✓	
[illegible]	Miles City MT	✓	
[illegible]	Bozeman MT	✓	
Hannah Peill	Butte MT		✓
Robert Murray	BUTTE MT		✓
Russell Marx	Great Falls MT		✓
[illegible]	[illegible]		✓
[illegible]	Bly	✓	
Diedtte Mazurek C.A.	Helena MT		✓
Thomas Bump CA	Helena MT		✓
Claudette Ross	Helena MT		✓
Linda Goode	Helena MT		✓
[illegible]	[illegible]		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

[illegible] Great Falls MT

CS-33



VISITORS' REGISTER

BUSINESS AND LABOR COMMITTEE

BILL NO. House Bill No. 471 DATE January 30, 1987

SPONSOR Rep. Paula A. Darko

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Laughing Water	Helena, Mt		✓
POLLY JUNKERMEIER PEELE	GREAT FALLS MT	✓	
[illegible]	Great Falls, MT	✓	
Ron Hauge	ARLEE, MT		✓
Pat Heydlauff	California/Representing Montana		✓
Colleen Pinkney	Polson, Mt		✓
William PINKNEY	Polson, MONTANA		X
TROY HOLTER	BOX 790, GREAT FALLS		✓
Art Kuntz	103 Alder Billings MT		✓
Delores Kuntz	103 Alder Bgs Mt.		✓
DENVER PERSHING			✓
A. Bagamery	822 South Parkway, Helena	amend	
Bonnie Tippy	Helena, MT	✓	
Marvin Nelson	Missoula Mont	✓	
[illegible]	[illegible]	✓	
Merrill Mundenhall	Bozeman, MT	✓	
[illegible]	[illegible]	✓	
[illegible]	[illegible] PA	✓	
N. J. [illegible]	[illegible]	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

BUSINESS AND LABOR COMMITTEE

BILL NO. _____ DATE _____

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
		✓	
			✓
		X	
			✓
			X
Holly Kalegne	Helena	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CS-33

VISITORS' REGISTER

BUSINESS AND LABOR COMMITTEE

BILL NO. 471 DATE Jan 30

SPONSOR

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Doris Biersdorf	Billings	X	
Tamie Stewart	Kalispell	X	
		X	
		X	
		X	
		X	
		X	
		X	X
		X	X
		X	
			X
			X
		X	
		X	
Marlene Heath	Helena		X
		X	
			X
		X	
Pat Callbreath-Harper	Helena	X	
		X	
			X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CS-33

VISITORS' REGISTER

BUSINESS AND LABOR COMMITTEE

BILL NO. House Bill No. 302 DATE January 30, 1987

SPONSOR Rep. Dorothy M. Bradley

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Robert L Robinson	Polson		
Joe Brand	Helena Montana		X
Richard Lee Christensen	Billings Montana		X
Jeff R Cliff	Whitefish MT		X
Jim Murry	Missoula MT		X
Seth Emmark	Bozeman MT		
Jodi Emmark			
Jon M Sheehy	Helena Montana	✓	
Lorna Frank	7121 Elva Billings	✓	
Doug Crandall	Livingston	✓	
Carl Kaufman	Columbia		X
Mark Cheek	Bozeman	✓	
Russ Ritter	Mt. Chamber	✓	
Mark Dipaolo	Communications Inc	✓	
[illegible]	MLIC - Helena		X
[illegible]	MSCA - Helena		X
Mike Meloy	WETA	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

She commented that the state employees are doing an admirable job under extremely difficult circumstances. She said she appreciated Ms. Feaver pointing out the problems with the bill, and having the bill referred to a subcommittee to solve them.

EXECUTIVE ACTION - February 9, 1987 - 10:10 a.m.

ACTION ON HOUSE BILL NO. 471

Chairman Kitselman commented that a gray bill was prepared because the revisions were so extensive.

Rep. Simon moved that House Bill No. 471 DO PASS.

Rep. Simon moved the amendments as they appeared in the gray bill. He said all references to dieticians have been stricken from the bill, which now addresses nutritionists. He said current state law already addresses licensed dieticians. He stated that they had made substantive changes in the exemptions from the act.

Rep. Driscoll moved a substitute motion to amend in the gray bill, page 5, line 5, following "practice" insert the word "only", which would read, "only a licensed nutritionist...".

Rep. Wallin asked if there was any reference to naturopaths in the bill. Rep. Simon responded there was no reference made, and it was the subcommittee's feeling that naturopaths represent themselves as naturopaths and not as nutritionists.

Rep. Simon stated that the amendment provided that people who are licensed have certain qualifications and only the people that meet those qualifications should do what they are qualified at doing, and this states that the license means something.

Rep. Simon moved a substitute motion to Rep. Driscoll's motion to amend, following "practice", strike "a licensed nutritionist or", and insert "only". The motion carried with Rep. Cohen opposed, and Rep. Swysgood absent.

Rep. Simon stated that the issue of traditional teachings and religious exemptions was also considered by the subcommittee as a possible amendment.

Mr. Verdon stated that the amendment would be a new subsection and would read, "a person from providing nutrition information based on traditional or religious teachings". Rep. Simon commented the amendment was too broad.

Chairman Kitselman commented that under the freedom of religion in this country that a person could practice, and said this amendment could broaden the meaning.

Rep. Hansen commented that the amendment is not needed because as long as that religious person or church did not present themselves as a nutritionist, they could do what they wanted.

Rep. Wallin commented that in his area they have 7th Day Adventists who have their own diet. He stated he respected that and felt the amendment should be inserted to include religions.

Rep. Brandewie commented that everyone should respect the religious teachings of others, but he resisted the amendment being put into the bill. He said he did not feel that religions should be licensed to give nutritional information.

Rep. Brandewie moved that House Bill No. 471 DO PASS AS AMENDED.

Rep. Simon moved the amendment to strike "dietetic" and insert "dietetic-nutrition". The motion carried with Rep. Swysgood absent.

Rep. Wallin moved to amend in subsection 10 to include, "a person from providing nutrition information based on traditional or religious teachings". The motion failed.

Rep. Simon moved that House Bill No. 471 DO PASS AS AMENDED. The motion carried with Rep. Cohen and Rep. Wallin opposed, and Rep. Swysgood absent.

ACTION ON HOUSE BILL 473

Rep. Brandewie moved that House Bill No. 473 DO PASS. The motion carried with Rep. Pavlovich and Rep. Bachini opposed.

ADJOURNMENT

The meeting adjourned at 11:10 a.m.

REP. LES KITSELMAN, Chairman

DAILY ROLL CALL

BUSINESS & LABOR COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date February 9, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. LES KITSELMAN, CHAIRMAN	✓		
REP. FRED THOMAS, VICE-CHAIRMAN	✓		
REP. BOB BACHINI	✓		
REP. RAY BRANDEWIE	✓		
REP. JAN BROWN	✓		
REP. BEN COHEN	✓		
REP. JERRY DRISCOLL	✓		
REP. WILLIAM GLASER	✓		
REP. LARRY GRINDE	✓		
REP. STELLA JEAN HANSEN	✓		
REP. TOM JONES	✓		
REP. LLOYD MCCORMICK	✓		
REP. GERALD NISBET	✓		
REP. BOB PAVLOVICH	✓		
REP. BRUCE SIMON	✓		
REP. CLYDE SMITH	✓		
REP. CHARLES SWYSGOOD			✓
REP. NORM WALLIN	✓		

CS-30

STANDING COMMITTEE REPORT

February 9 19 87

Mr. Speaker: We, the committee on BUSINESS AND LABOR

report HOUSE BILL NO. 471

☒ do pass ☐ be concurred in ☒ as amended
☐ do not pass ☐ be not concurred in ☐ statement of intent attached

REP. LES KITSELMAN Chairman

House Bill 471
AMENDMENTS

1. Page 1, line 5
Following: "NUTRITIONISTS"
Strike: "AND DIETITIANS"

2. Page 1, line 6
Strike: "DIETITIAN"
Insert: "NUTRITIONIST"

3. Page 1, lines 7 through 9
Following: "2-15-1841," on line 7
Strike: the remainder of line 7, line 8 in its entirety, and line 9 through "37-21-406,"

4. Page 1, line 14
Following: "assessment"
Strike: ","
Insert: "and"
Following: "counseling"
Strike: the remainder of line 14

5. Page 1, line 17
Strike: "and dietitions"

6. Page 1, line 18
Following: "welfare"
Strike: "and"
Insert: ","

7. Page 1, line 20
Following: "Montana"
Insert: ", and to provide a means of identifying those qualified to practice nutrition"

FIRST reading copy (WHITE color)

House Bill 471
AMENDMENTS

8. Page 1, line 21
Following: "act]"
Insert: ", unless the context requires otherwise,"

9. Page 1, line 23
Following: line 22
Insert: "(1) "Accredited" means accredited through the council on postsecondary accreditation of the U.S. department of education."
Renumber: subsequent subsections

10. Page 2, lines 2 and 3
Following: "of" on line 2
Strike: the remainder of line 2 and line 3 through "sciences"
Insert: "commerce"

11. Page 2, line 4
Strike: "Dietetic"
Insert: "Dietetic-nutrition"

12. Page 2, line 9
Strike: "dietetic"
Insert: "dietetic-nutrition"
Following: "assessment"
Strike: ","
Insert: "and"

13. Page 2, line 10
Following: "counseling"
Strike: ", and nutrition education"

14. Page 2, lines 11 and 12
Strike: subsection (5) in its entirety
Renumber: subsequent subsections

15. Page 3, lines 5 through 14
Following: "(9)" on line 5
Strike: the remainder of line 5 and lines 6 through 14 in their entirety
Insert: "'Nutritionist' means:
(a) a person licensed under [this act];

Chairman.

STATE PUB. CO.
Helena, Mont.

House Bill 471
AMENDMENTS

(b) a person who has satisfactorily completed a baccalaureate and master's or a doctoral degree in the field of dietetics, food and nutrition, or public health nutrition conferred by an accredited college or university; or
(c) a person registered by the commission."

16. Page 3, line 15
Strike: "was"
Insert: "is"

17. Page 3, line 16, through page 4, line 14
Following: "commission" on line 16
Insert: "."
Strike: the remainder of line 16 and lines 17 through 25, page 3, and lines 1 through 13, page 4, in their entirety and line 14 through "dietitians."

18. Page 4, line 15
Strike: "dietetic"
Insert: "dietetic-nutrition"

19. Page 4, line 16
Following: line 15
Strike: " A licensed"
Insert: "Only a"
Following: "nutritionist"
Strike: "or licensed dietetics provides"
Insert: "can provide"

20. Page 5, line 5
Strike: "dietitian or a "
Insert: "licensed"

21. Page 5, line 8
Following: "is"
Strike: "a"
Following: "registered"
Strike: "dietitian"
Insert: "by the commission"

22. Page 5, line 9
Following: "from"

Chairman.

STATE PUB. CO.
Helena, Mont.

House Bill 471
AMENDMENTS

Strike: "a regionally"
Insert: "an"

23. Page 5, line 17
Following: "nutrition,"
Insert: "or"
Following: "dietetics, or"
Strike: "food systems management or"

24. Page 5, line 15
Strike: "a regionally"
Insert: "an"

25. Page 5, line 17
Following: "and nutrition,"
Insert: "or"
Following: "dietetics"
Strike: the remainder of line 17 and line 18 through "management"

26. Page 5, line 19
Following: ";"
Insert: "and"

27. Page 5, line 20 through 22
Following: "practice"
Strike: "; and" on lines 20 and 21 through "commission" on line 22

28. Page 5, line 24
Following: "(1)"
Insert: "(b)"

29. Page 6, line 12
Strike: "dietetic"
Insert: "dietetic-nutrition"

30. Page 6, line 13
Strike: "dietetics"
Insert: "dietetics-nutrition"

31. Page 6, line 14
Strike: "dietitian"
Insert: "nutritionist"

Chairman.

STATE PUB. CO.
Helena, Mont.

House Bill 471
AMENDMENTS

32. Page 6, line 19
Strike: "dietetics"
Insert: "dietetics-nutrition"

33. Page 6, line 24
Strike: "dietitian or"

34. Page 7, lines 7 and 8
Following: "and nutrition," on line 7
Insert: "or"
Following: "health nutrition" on line 7
Strike: ", or food service management"

35. Page 7, line 10
Strike: "dietetics"
Insert: "dietetics-nutrition"

36. Page 7, line 15 through 18
Following: "from" on line 15
Strike: the remainder of line 15, lines 16 and 17 in their entirety, and line 18 through "products"
Insert: "furnishing general nutritional information, including dissemination of literature, as to the use of food, food materials or dietary supplements or from engaging in the explanation as to the use of foods or food products, including dietary supplements, in connection with the marketing and distribution of those products)"

37. Page 8, line 4
Strike: "a dietitian or"

38. Page 8, line 6
Strike: "dietitian or"

39. Page 8, line 9
Following: line 8
Strike: "dietitian, a"
Following: "nutritionist,"
Strike: ", a licensed dietitian,"

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STATE PUB. CO.
Helena, Mont.

House Bill 471
AMENDMENTS

40. Page 8, line 11
Following: "act]"
Insert: "or exempted from licensure as defined in [section 6(5)]"

41. Page 9, line 13
Strike: "dietetics"
Insert: "dietetics-nutrition"

42. Page 8, line 16
Strike: "dietetics"
Insert: "dietetics-nutrition"

43. Page 9, line 7
Strike: "dietetics"
Insert: "dietetics-nutrition"

44. Page 9, line 11
Following: "for"
Strike: "licensed dietitians and"

45. Page 10, line 15
Strike: "registered dietitian"
Insert: "licensed nutritionist"

46. Page 10, line 22
Strike: "dietetics"
Insert: "dietetics-nutrition"

47. Page 10, line 25
Strike: "registered dietitian"
Insert: "licensed nutritionist"

48. Page 11, line 1
Strike: "dietitians and"

49. Page 11, lines 10, 11, and 12
Strike: New section 3 in its entirety

Chairman.

STATE PUB. CO.
Helena, Mont.

CLERICAL

Date: 2/9/87

House Bill 471

Time: 4:45 pm

In accordance with Joint Rule 3-7(b) the following clerical errors may be corrected:

House Committee on Business and Labor 2/9

Amendment #36

insert: "... food, food materials, or dietary supplements

Sponsor

4:07 PM 2-10-87

Secretary of Senate
or
Chief Clerk

MER

Legislative Council

CHAIRMAN--SEN. DOROTHY ECK
NORMAL SCHEDULE==> SITE: ROOM 410 DAYS: M-W-F TIME: 1:00 P.M.
SECRETARY-ELLEN NEHRING

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0402	2/10	3/04		CONCUR		3/18/87
STRIZICH, BILL			RECORDS RETENTION RULES FOR MENTAL HEALTH FACILITIES			
HB0416	2/21	3/18		CONCUR		3/20/87
DONALDSON, GENE			CLARIFYING AND EXPANDING UNDERGROUND TANK ENFORCEMENT AUTHORITY			
HB0428	2/12	3/23		CONCUR		3/25/87
CONNELLY, MARY ELLEN			UTILIZATION OF FUNDS GENERATED BY TAXATION OF ALCOHOLIC BEVERAGES			
HB0455	2/04	3/20		CONCUR		3/20/87
MILES, JOAN			ESTABLISHING LONG-TERM CARE FACILITY RESIDENTS' RIGHTS			
HB0462	2/04	3/20		CONCUR AS AMENDED		3/20/87
MILES, JOAN			CLARIFYING PROVISIONS FOR SEVERELY DISABLED PERSONS			
HB0471	2/24	3/06		CONCUR AS AMENDED		3/11/87
DARKO, PAULA			PROVIDING FOR LICENSING AND REGULATION OF DIETITIANS AND NUTRITIONISTS			
HB0480	2/11	3/25		CONCUR		3/25/87
MILES, JOAN			CLARIFYING THE ELIGIBILITY OF CHILDREN OF UNEMPLOYED PARENTS			
HB0536	2/16	3/06		CONCUR		3/9/87
DEVLIN, GERRY			EXEMPT NONPROFIT ORGANIZATIONS FROM LICENSING OF FOOD ESTABLISHMENTS			
HB0541	2/16	3/11		CONCUR		3/11/87
SMITH, CLYDE			REVISING NURSES LICENSING LAWS			
HB0555	2/13	3/11		CONCUR		3/11/87
SANDS, JACK			AUTHORIZING IMPAIRED PHYSICIAN PROGRAM			
HB0571	2/16	3/25		CONCUR		3/25/87
DAILY, FRITZ			RAISE FROM 16 TO 18 THE AGE OF CHILDREN WHOSE WELFARE MAY BE ENDANGERED			

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

March 6, 1987

The meeting of the Senate Public Health, Welfare and Safety committee was called to order by Chairman Dorothy Eck on March 6, 1987, at 1 P.M. in Room 325 of the State Capitol.

ROLL CALL: All members of the committee were present.

CONSIDERATION OF HOUSE BILL NO. 536: Rep. Gerry Devlin, District # 25, sponsor H.B. 536 testified that the purpose of the bill is to eliminate the license requirement for a food establishment run by a non-profit organization for less than fourteen days. Counties overall would lose less than $3000 from their inspection funds, but a lot of these fees are often not collected around the state. He further stated that he had received no objections from restuarants on this bill.

PROPONENTS: James Peterson, DHES, stated that the licenses are issued from his bureau and that they do not object to the bill. It still allows them to maintain good food protection services. Most of the license fees collected are returned to the county to carry out inspections, anyway, although the counties will be receiving less money. Yellowstone Co. will lose the largest amount, about $400.

DISCUSSION OF H.B. 536: Sen. Hager: Is Yellowstone County aware of this loss of money?
Rep. Devlin: No, I haven't contacted them. But a lot of these fees have not been collected around the state, and that hasn't been enforced.

Rep. Devlin closed by asking for a prompt do pass.

CONSIDERATION OF HOUSE BILL NO. 471: Rep. Paula Darko, District # 2, sponsor of H.B. 471, stated that the purpose of the bill is to give the public accurate information about licensed nutritionists. At the present time there is no way for the public to be sure what kind of credentials a person calling him/herself a nutritionist has. The information of nutrition has doubled in the last ten years, and there are many different kinds people dealing with nutrition through product sales, weight control centers, etc. Dietitians are people who graduate from accredited schools and work with hospitals, institutions, Indian Health, WIC, SRS, education at universities, etc. They would like a regular licensing of their profession. Many jobs go unfilled because of a lack of qualified people. The public again has a right to know that a dietitian/nutritionist is a scientifically trained person.

PROPONENTS: Minkie Medora, Registered Dietitian and head of the Dept. of Nutrition Services at Missoula Community Hospital, stated that many Montanans are being harmed by wrong, unsafe and unproven nutrition information dispensed by persons who are unqualified to provide such services. Her testimony includes documented evidence of wrongdoing in the state. Since Montana has no law that prevents unqualified persons from practicing nutrition counseling, this activity continues to grow. Licensure is needed to restrict the practice of nutrition services to those persons who are qualified to do so, for the protection of the consumer.

The bill is requesting that registered dietitians be called licensed nutritionists because of their training in in-depth nutrition. The bill also defines nutritionists in a clean, legal manner and sets standards of competence by establishing the standard degree, R.D. There are established criteria for an R.D., and it will be a simple procedure for the board to license a person who has completed the criteria.

The bill also defines people who are eligible to practice and defines those who are exempt from the scope of practice section. The people who use nutrition in their work now can continue to do so (i.e. home ec teachers, diet centers, etc), but people who are not licensed nutritionists will not do assessment and counseling (i.e. diagnosis). The bill is a clean practices act, and the amendments clarify these points and do not regulate anyone else from practice.

Those in opposition to the bill have expressed a number of concerns, and a number of their concerns have been listened to and have been clarified in amendments. The opposition campaign has produced much distortion of information and is not based on information contained in the bill. The Montana dietitians have established that it is necessary for them to go through licensing and have spent two years preparing the bill. It is a fair bill, written in simple language. Exhibit # 1.

Jackie O'Palka, Ph.D. at Montana State University, Nutrition, stated that MSU has offered course work in Nutrition since 1909 and graduated its first nutrition extension agent in 1926. The school now trains graduates in four areas of nutrition work, among them registered dietitians. MSU is in the process of reorganizing some of its departments and the nutrition department will fall in a different area than it is now in. The area of nutrition uses scientific methods of investigation to test and prove theories and nutrition scientists test on animals and then people. Upon graduation, those wishing to practice in the field of nutrition are then either registered or licensed.

Cindy Brown, Helena, registered dietitian at St. Peter's Hospital, stated that the public is looking for nutrition advice, and she spends part of her time advising the public, speaking to many groups on nutrition such as pregnant and new mothers, school programs, lung, heart, and diebetic associations, etc. Dietitians keep up with new findings through conferences and journals and try to gave advice on information that has been scientifically proven. People often spend their few dollars poorly, loading up on too large a dosage of vitamins and other supplements often producing enlarged livers, heart murmurs, temporary blindness and other ailments as a result. It is wrong to let those not qualified diagnose and prescribe.

Clare Deleglare, extension agent, Great Falls, stated that there are increasing numbers of low income elderly who are victims of unauthorized health food people. For example, two seniors had purchased vitamin food supplements at $60/month, which didn't really help them. She stated that she also works with professional dietitians in Great Falls and finds them very good at their work. This bill will help Montanans make safer decisions.

Beverly Thompson, Registered Nurse, Great Falls, used an example in her testimony of person in Great Falls being treated by someone claiming to be an expert in nutrition. The paritent's medical problems worsened because of injection treatments, and while a licnesed nurse could be prosecuted for illegal injections, the Public Health department and law enforcement agencies stated that there was nothing they could do since there are no nutrition laws on the books and the person doing the treatments was not licensed. This bill is to offer the public that sort of protection. Exhibit # 2.

Ken Eden, M.D., Helena, internalist, stated that dietitians are a valuable help in their practice of controlling heart, diabetes, and obesity diseases. Dietitians have expert training in nutrition, far more than doctors. The bill doesn't limit sales; it just gives the consumer a better chance of making an informed decision.

Tony Bastien, Mountain Sun Health Foods, Bozeman, testified that there is a lack of policing in the industry and monitoring within the health food industry. This bill will not affect the the operating or sales of his health food store as it is now managed. However, when unqualified individuals perform nutritional evaluations and dictate dietary programs for their clients that harm their clients, this hurts the credibility of all health food stores and retailers. H.B. 471 will be a positive step toward maintaining the integrity of the health food industry in Montana. Many unqualified individuals have a vested interest in preventing the bill's passage, because they often sell high-priced, worthless supplements and have convinced health food store operators that H.B. 471 will hurt them. His testimony also includes examples of possibly harmful nutritional advice. Exhibit # 3.

Dr. Marianne Guggenheim, M.D., pediatric neurology, stated that she deals with brain-damaged children for whom there is often no treatment, whose parents go to nutrition centers for help and often buy hundreds of dollars worth of vitamin supplements which don't work. She sees children with cerebral palsy being given "brain foods", and the same thing happens to the elderly, also. It is to their utmost benefit to have trained, professional help; and the bill will help to protect a public looking for magical answers.

Jack Mann, Montana Medical Association, stated that the bill is a question of protecting the public and licensing those who have been trained. He has heard of stories of deaths from improper advice and stated that it has taken a number of deaths before he realized that health centers are not qualified to sell nutrition. But there is money to be made in nutrition sales, and that's why people are in the field.

Marcia Herron, Registered Dietitian, Ph.D., University of Montana; Jan Cronquist, Montana Nurses Association, Peggy Newman, Dental Hygienist's Legislative Committee, Les Bramlett, Public Health Services Organization, Carol Mosher, Montana Cattlewomen and MT. Beef Council, Jerome Loendorf, MT. Medical Association all stated their support of H.B. 471.

OPPONENTS TO H.B. 471: George Allen, Montana Retail Association, testified that the bill goes far beyind the licensing of well-qualified people. The bill is actually a freedom of choice and free enterprise issue, and it is anti-business. The fifty health food stores and 3000 consumers who he represents are opposed to this bill. While the other side has attempted to compromise with an amendment that store owners can give general information, store owners must be allowed to talk more about there merchandise; now if he does, he becomes a criminal and the customer loses his freedom of choice. When does a person cross over the line of giving general information to giving specific information? Because of the fear and confusion over the bill, the retail association urges that it be tabled until the next session, while a better compromise bill is being worked out. Exhibit # 5.

Rep. Al Meyers, District # 53, stated that there are no proponents in his district and he opposes the bill on their behalf.

Ron Hauge, Montana Pollen and Herbs, stated that he has worked since 1969 in Public Health in many capacities and is now in the business of manufacturing vitamin and supplemental products which he markets all over the United States. He stated that many people have valuable information about nutrition, not just dietitians. The FDA has to approve products and the legislature should realize the safety of that and also what the distributor can say about a product. What the legislature will do by passing this bill is to simply create a monopoly in one area. The state lacks a qualified academic program and the training must be done out-of-state. The state needs to fund an adequate program. Exhibit # 6.

Michael Bergkamp, accupuncturist and naturopathic physician, Helena, testified that testbooks on nutrition are limited and dated and that good looks at them may tell the truth. The state of health in this country is poor with sugar consumption having risen dramatically in the last twenty years. The record purchases of doughnuts, coffee, and pop substantiate this. Iron consumption is down, as well as other vitamin intake. Far less than half of the population consumes more than 70% of RDA requirements, especially vitamin B-6. Assessment is a problem word in this bill. How much do you dicide to recommend if you don't assess. The bill restricts his practice and presents limitations to consumers.

Nancy Aagenes, student, John Bastyr College of Naturopathic Medicine, addressed the issue of qualified people. She takes an extensive list of nutrition courses in preparation to be a naturopathic physician. Exhibit # 7. The bill does not provide for naturopaths to operate and so the bill will affect her profession profoundly and she asked for it to be tabled for two years. Accreditation is an issue that affects the profession currently because the two schools of naturopathic medicine, including John Bastyr College, are not accredited. JBC has achieved candidacy status and that can last for six years. The Northwest Accreditation Association, headed by President Bill Tietz of Montana State University, is considering the school for accreditation now, although there difficulties with this school achieving accreditation from the northwest organization because it does not meet the standards of being a multi-displinary school, which is the type of school they accredit. JBC has added a full department of nutrition in hopes of achieving accreditation from the Northwest Accreditation Association.

Riley Johnson, Montana Health Foods Industry, Shaklee and Amway, stated that in the Helena Telephone Diredtory there are very few people listed under the title of nutritionist. Perhaps the health food stores may not be affected by this bill and this may be merely a matter of semantics. This bill won't solve any problems for Montana, and other states have rejected this type of legislation because it doesn't really address public health. Exhibit # 8.

Legally the legislature is being asked to broaden the field for a narrow group who want to expand their profession. Today, there are 160 dietitians in Montana and most work in a group setting, and do not go out to the general public. Nutrition is a field where knowledge is constantly growing and evolving, and it goes far beyond what dietitians study in college. He opposes the accreditation qualification requirements and feels that H.B. 471 will not stop growth in the industry. The health food industry in Montana fears what the impact of this bill will do, had no part of its drafting, and suggests that there be a two-year study of the field. They would also like the opportunity to define differences and coordinate an effort over the next two years to solve problems for all.

DISCUSSION OF H.B. 471: Sen. Rassmussen: What does Laughing Water have to say?
Laughing Water: Dietitians should license themselves as such; their profession is well-defined. But many others are trained as nutritionists, not just dietitians, and are qualified to give advice on nutrition, such as Nathan Pritikin and Linus Pauling. The bill is too restrictive, confusing, neither needed nor wanted in the state, and is bad for Montana business.

Sen. Eck: Can someone tell me a little more about the state's educational program.
Jackie O'Palka: Montana State University has a complete 4-year nutritional program and a two-year Master's program. The program now fits under the Department of Home Economics; students are sent out-of-state for their internships because Montana has no large institutions at which they may gain experience.

Sen. Himsl: Are dietitians now registered by a commission?
Rep. Darko: They are registered, but not licensed, by national commission.
Sen. Himsl: Do others have nutrition degrees?
Rep. Darko: Yes, there are several fields which require a background in nutrition, and MSU prepares students for these other occupations, as well. However, dietitians do go through a special field of study.

Sen. Himsl: In the scope of practice section, would you explain No. 7?
Minkie Medorra: Yes, No. 7 explains that food store owners do not do nutrition assessment and counseling, that they will not go to that extent. So that section clarifies the title nutritionist and what they do.
Sen. Himsl: Otherwise there are no prohibitions in practice?
Ms. Medorra: That is correct.

Sen. Eck: Dr. Bergkamp, as a naturopathic physician, what other areas do you get into?
Michael Bergkamp: In our education, we get pre-med requirements, them two more years of science, and physical and clinical diagnosis. This bill takes

Sen. Eck: Are you working toward your own association of accreditation? Michael Bergkamp: Yes, we are, but we are viewed as threat. Nutrition is a widening field and we offer a choice in health care. Naturopathy provides that and we are one of several groups qualified to work in nutrition.

Rep. Darko, in closing, asked the committee to consider the amendments, including the defintion for nutritionist. There has been much misinformation generated and many letters written. There has also been a high-money lobby by the opposition, while the dietitians have raised money through bake-sales for the last two years. The public deserves a truthful label and right to know what they are getting, and she would not have been party to a bill that takes away freedom of choice.

The hearing adjourned at 3:05 P.M.

Dorothy Eck

CHAIRMAN ECK

SENATE HEALTH & WELFARE
EXHIBIT NO. 1
DATE 3-6-87
BILL NO. HB 471

HB 471
LICENSING OF NUTRITIONISTS

In order to protect the health and safety of the public this bill:

1. **Licenses NUTRITIONISTS**
   - a person who is a Registered Dietitian or has higher qualifications

2. **Defines NUTRITIONIST**
   - a person who has a B.S. and an M.S. or Ph.D. in nutrition from an accredited college or university

3. **Defines the practice of NUTRITION**
   - Assessment
   - Counseling

4. **Ensures that the flow of valid nutrition information and sale of products are not restricted**

SENATE HEALTH & WELFARE
EXHIBIT NO. 1
DATE 3-6-87
BILL NO. HB471

Should Nutritionists Be Licensed?

Licensing laws can help assure that the nutritionist you consult is well qualified.

Tiffin, Ohio, May, 1985. A 66-year-old woman who is overweight and diabetic is found by her doctor to have a fasting-blood-sugar level of 356 (normal is 70 to 110). The woman had been following a diet prescribed at a local diet-counseling clinic by a "nutritionist" who knew she had diabetes. The woman's physician referred her to a registered dietitian (R.D.) who taught her how to follow a calculated diabetic diet. The diet brought her blood-sugar level down to 109. Uncontrolled diabetes can cause serious harm.

Salt Lake City, Utah, January, 1983. A 72-year-old woman was admitted to the hospital because of fever, decreasing consciousness and an extremely high white-blood-cell count. She was diagnosed as having leukemia.

Six months earlier she had sought advice at a local health-food store for her symptoms of fatigue and weakness. When she was admitted to the hospital, she had a bag of various vitamin and mineral supplements with her. The palms of her hands were yellow-orange, the whites of her eyes were yellow, and her gums were tinged yellow, too. When the doctors looked in her eyes, the area around the optic nerve was swollen. Her spinal fluid had twice the normal pressure. Some of the vitamins she was taking had excessively high amounts of vitamin A and carotene. The doctors traced her symptoms to vitamin A toxicity.

Those are just two of the cases documented by registered dietitians in their recent drive to achieve licensure for themselves and others qualified to practice nutrition counseling, and to restrict use of the word "nutritionist" to licensed practitioners.

"The push for licensure is a direct response to unaccredited nutrition schools that are issuing degrees in nutrition," says Stephen Barrett, M.D., a psychiatrist from Allentown, Pennsylvania, who is an expert on health quackery. "The schools teach unscientific nutrition ideas. People who enroll can go through a brief correspondence course, get a degree and open an office. But they are

unqualified and have no real credentials."

THE VICTIMS

"The interesting thing about it," says Dr. Barrett, "is that most of the people who are victimized are neither stupid nor gullible. They see an advertisement in the Yellow Pages and they have no reason to suspect that there might be anything wrong. They aren't necessarily seeking anything unorthodox or unusual. They think they are going to a qualified nutritionist.

"That's the real issue," he says. "People are misrepresenting their credentials. A six-month correspondence course is not equivalent to five or seven years of full-time training at an accredited university.

"I think the government should make it illegal to represent unorthodox credentials (which are the same as no credentials) and lack of training as equivalent to qualification."

Fifteen states have already passed laws that regulate nutrition professionals to some extent. But licensure isn't limited to R.D.'s (nutritionists certified by the American Dietetic Association's Committee on Dietetic Registration), as you might think. "We recognize that there are legitimate nutritionists who are not R.D.'s," says Michele Mathieu, manager of licensure communications for the American Dietetic Association (ADA), the largest national professional organization of registered dietitians and nutritionists. People who have master's or Ph.D. degrees, from regionally accredited universities, who work in education and research, may be licensed or exempt under these laws, which vary from state to state. So may nutritionists with appropriate academic backgrounds and experience, who will be continuing their education.

Physicians and other health professionals who are already licensed will not be affected.

THE OPPOSITION

Opponents of licensure say that dietitians want to shut down health-food stores and create a monopoly for themselves. Dr. Barrett claims that's not true. "The dietitians want only to define what is nutrition practice and make it illegal to do it if you do not have appropriate training."

Licensure would not restrict nutrition information or keep people from selling products. Health-food-store employees could discuss nutrition and order foods for patients on restricted diets, but they could not counsel.

And that's the crux of the matter. It's one thing for people to voice unscientific, unorthodox nutrition theories. But it's another to allow unqualified practitioners to diagnose and prescribe as if they were properly trained. It's not allowed in other areas of health care and shouldn't be in this case either. If your nutritional health is important to you, why trust it to an unqualified practitioner?

Had the woman with leukemia seen a qualified nutritionist, for example, the outcome may have been different. "A dietary history would have been taken to find out if she had a nutritionally adequate diet," explains Joan V. Eggert, R.D., M.D., now a resident at the University of Nebraska Medical Center. Dr. Eggert examined the woman with leukemia while on medical rounds at a hospital in Salt Lake City.

"If her diet were adequate, she would have been referred to a physician for a blood test to rule out anemia because of her symptoms of fatigue and weakness. At that time, the leukemia would have been discovered.

> 'People are misrepresenting their credentials. That's the real issue.'

"If her diet were inadequate, it would have been corrected," says Dr. Eggert. "But if she had not improved on her new diet within about two weeks, she would have been referred to a physician.

"That's standard policy for members of the ADA. In this case, the woman was treated with vitamins and other food supplements for six months before she saw a doctor, and that delayed diagnosis of her leukemia. I don't know if she could have been cured or not, but we are very successful in treating leukemia in the early stages."

WHERE TO GET ADVICE

If you're looking for nutrition counseling, there are ways to locate a competent practitioner.

1. Ask your doctor. Doctors are likely to know who in the area is qualified. Or your doctor may be able to answer your questions directly. Physicians have a basic knowledge of biochemistry and physiology. At the very least, they are unlikely to overlook important symptoms or prescribe a diet or supplement that is harmful.

2. Get thee to an R.D. "An R.D. indicates competence," says Ms. Mathieu. "We have uncovered few cases of people calling themselves R.D.'s who are not." R.D.'s have attained at least a bachelor of science degree with core courses in foods and nutrition, biochemistry and behavioral sciences. They have passed a comprehensive test and must participate regularly in educational programs.

You can call your state or district dietetic association. If you can't find the number, try calling your county home extension agent. That person will know how to get in touch with the dietetic association. Or call your local hospital. "Every hospital is required under federal law to have an R.D. on staff," says Dr. Eggert. "Talk with them and find out who does nutrition consulting in the area who is reputable." ■

SELECTED EXAMPLES OF HARMFUL NUTRITION PRACTICE IN MONTANA

SENATE HEALTH & WELFARE
EXHIBIT NO. 1
DATE 3-6-87
BILL NO. HB 471

.. Four year old girl with Celiac Sprue, severe absorption, intolerance to wheat gluten, parents unemployed. Told by health food store to take special bread. Child continued with problems. Local dietitian checked contents of the bread - found it was made with wheat flour.

.. Adolescent male with testicular cancer. Told by a "nutritionist" to apply Aloe Vera to affected testicle. Patient happened to see physician soon after starting Aloe Vera treatment. Was hospitalized, treated by an oncologist and has been cured.

.. Adult female with cancer of the ovaries. Was advised to use a special diet. Patient was hospitalized but refused to eat anything other than the "diet". Patient lost 40# and eventually died in the hospital. Due to severe malnutrition, the therapy for cancer was ineffective. Patient could have survived if better nourished.

.. Three year old boy with osteomyelitis of the L radius. Mother was advised by a "doctor" to give the child nothing but garlic and honey for 2 weeks, and to apply garlic compresses to the affected area. Parents were unemployed, lived in a tar paper shack. The child was admitted to the hospital by court order. The infection had spread very deep by this time. The child was in severe pain and was eventually treated and cured.

.. Fifty-six year old male with congestive heart failure. Patient had been advised by a physician to consume a very low salt diet. Patient had to be hospitalized three times, the third time he was placed in the ICU with life-threatening edema. This time patient stated he had been advised to use "sea salt" and told that it has no sodium.

.. Seventy-seven year old lady was advised she should take vitamin supplements. The vitamins were "natural", made by a company in California. The lady brought $200.00 worth of vitamins. Lady's physician became aware of this and requested the local dietitian to check into her vitamin intake to determine if she really needed them. The lady had 20 different bottles of vitamins, steriods, DNA tablets and RNA tablets. She was taking toxic doses of some vitamins. Most other pills were ineffective.

.. Patient reported to local dietitian regarding an Aloe Vera product she was advised to take for diabetes. Dietitian called the "nutritionist" who is listed as such in the yellow pages, to inquire about this therapy. Dietitian was told that she recommends Aloe Vera for diabetes, as well as for any other illness. Claimed that aloe Vera also improves digestion. On checking the "nutritionist's" qualifications, it was found she had taken a course in Chemistry and Biology. She also sold her own Aloe Vera for $14.95 a quart.

.. Person was advised to buy and use the Herable-life diet from a local dealer. Person developed symptoms of bowel obstruction and was hospitalized. The diet was discontinued and the symptoms cleared. Similar symptoms have been reported in the literature with this diet.

.. Adult male with chronic lung disease/emphysema was told by a "doctor" to use a special diet. The diet allowed only certain groups of food, and did not allow milk, most fruits and meat. Patient lost weight, became progressively worse, breathing problems increased, person was hospitalized but died 3 weeks after admission.

SENATE HEALTH & WELFARE
EXHIBIT NO. 1
DATE 1/23/95
BILL NO. HB 476

.. Adult female diabetic, who also had elevated cholesterol and triglycerides, was advised by a local store to take linseed oil and grapefruit juice to "thin" her blood. The woman checked this out later with a dietitian and was told to discontinue the products.

.. Thirty five year old female with uncontrolled Type I diabetes was told by a "doctor" that pure maple syrup was the best thing for her and would reduce her blood sugar levels. He also sold the maple syrup to her for $36.00 a gallon. Person's sugar levels continued to rise. The woman and her husband are on welfare. Person was referred to a local dietitian, the syrup was stopped.

.. Adult female with COPD, chronic emphysema, bronchitis and severe weight loss, went to see a "doctor", was put on a diet of fruit, vegetables and grains only, along with protein powders, 12 different pills including a glandular product imported from New Zealand, made from dead animals. (Very long list of other items.) Patient admitted to hospital with chest pains, continued weight loss. Treated for severe malnutrition.

.. High-risk LGA baby with neonatal asphyxia, in foster care, was admitted 10 days after 1st birthday to hospital for fever, coughing and general lethargy. Infant weighed 14 # at age 1 year. Infant was being fed on a "milk free" supplement that was low in calories, protein and calcium. Product was sold by foster mother's father. Infant was treated for 2 weeks and released. Possibility of permanent brain damage is very likely.

PRODUCTS SOLD IN MONTANA IN STORES OR BY NUTRITION SALESPERSONS:

.. Weight loss program - sold out a jewelry store, cost $84.00 for 30 days supply of tablets. Must be taken in addition to food. Main ingredients are a strong laxative.

.. Products sold to cure all health problems and reduce weight, by a couple in Montana. Products include liver extracts, spleen extracts, Siberian Ginseng, Bovine Colostrum, Aloe Vera, pollen, placenta extract, testes extract, and numerous other items.

.. "Certified Nutrition Consultant" promoted use of raw milk only, advised customers to never use pasteurized milk, advised customers not to use milk at all whenever possible. Claimed milk should not be used for any form of heart disease, all allergies, weight loss and that milk in general is worthless.

.. Cold-press oil is sold in stores that claim that oil sold in regular grocery stores is processed in a way that destroys the polyunsaturated fatty acids. Cold-press oil is a good product but costs a great deal more than regular oils. The statement on regular oils is false.

SENATE HEALTH & WELFARE
EXHIBIT NO. 1
DATE 3-6-87
BILL NO. HB 471

SUMMARY OF H.B. 471

LICENSING AND REGULATION OF NUTRITIONISTS

Purpose: Many Montanans are being harmed by wrong, unsafe and unproven nutrition information dispensed by persons who are unqualified to provide such services. There is documented evidence of such wrongdoing in the state. Since Montana has no law that prevents unqualified persons from practicing nutrition counseling, this activity continues to grow. Licensure is needed to restrict the practice of nutrition services to those persons who are qualified to do so. Only then will the consumer be protected.

Administration: One member on the Montana Board of Medical Examiners, who will vote only on nutrition issues. The proposed legislation requires that licensing application and renewal fees cover the cost of this licensing and regulation.

Terms protected: Nutritionist and Licensed Nutritionist. A Nutritionist means someone who has a baccalaureate degree and a Masters or Ph.D. in a nutrition related field, from an accredited school. Nutritionists can practice nutrition and can represent themselves as Nutritionists. They are not eligible for licensure because there is no ready and cost free way to monitor their continuing education, as there is for Nutritionists who are registered with the Commission on Dietetic Registration.

Exemptions:
1. Any person from furnishing or disseminating general nutrition information and literature.
2. Any person from marketing and distributing food products and dietary supplements.
3. Teachers and advisors employed by accredited schools and nonprofit agencies.
4. Doctors, nurses and any other persons licensed in this state from engaging in the profession or business for which they are licensed.
5. Students in nutrition completing course requirements.
6. Employees (salaried or contracted) involved with nutrition programs in local, state and federal government.
7. Hospitals and long term care facilities (they operate under existing federal and state statutes and regulations concerning the provision of nutrition care services).

Qualification for Licensure: Minimum baccalaureate degree from an accredited university, 900 hours of clinical training, passage of a national examination, and continuing education.

Reciprocity: Persons with qualifications equivalent or better, moving to Montana from another state.

SENATE HEALTH & WELFARE
EXHIBIT NO. 1
DATE 3-6-87
BILL NO. HB 472

LICENSING AND REGULATION OF NUTRITIONISTS: Why? What? Who?
How? Cost?
Who's Affected?

WHY DO NUTRITIONISTS NEED TO BE LICENSED?

There is documented evidence of Montanans being harmed by wrong, unsafe and unproven nutrition practices, dispensed by persons who are unqualified to provide critical nutrition services.

Montana has no law that prevents unqualified persons from practicing nutrition counseling. Anyone can call themself a nutritionist, regardless of what kind of training they have. Licensure is needed to restrict the practice of nutrition services to those persons who are qualified. Only then will the consumer be protected and able to identify qualified providers.

WHAT IS THE PRACTICE OF NUTRITION?

Nutrition is a specifically defined science that includes the study of biochemistry, physiology, anatomy and the theory and practice of dietetics. It is a science based on sound research, not on personal philosophy or individual experiences. The science of nutrition evolves as new facts emerge based on documented research.

WHO WILL BE QUALIFIED FOR LICENSURE?

People who are registered by the Commission on Dietetic Registration, which means they have earned a baccalaureate degree in a nutrition related field from an accredited university, have completed at least 900 hours of clinical training, have passed a national examination, and meet continuing education requirements.

WILL PEOPLE BE PUT OUT OF BUSINESS?

No. There is no reason for anyone to go out of business, unless they are in business to harm the public.

Since the intent of the legislation is only to protect the public from unsafe practices, and not to prevent the dissemination of legitimate and appropriate advice and information, the list of exemptions in the bill is a long and important list.

By our intent and in specific terms, health food stores can continue to provide general nutrition information and sell all their food products and dietary supplements. Mothers, teachers, and coaches can continue to share information and give general advice. Government employees can continue to do their jobs, and people already licensed by the state can continue to do what they are licensed to do.

The goal of the legislation is give the public a way to tell who is qualified to give specific, technical and non-routine counseling and who isn't, and to stop the people who are out there pretending to be experts, from harming the public.

ISN'T THIS REALLY JUST JOB PROTECTION?

Since state and federal regulations now require registered dietitians to be hired in positions requiring clinical nutrition services, registered dietitians are already filling those positions. Licensure will not change education requirement for these jobs, and will therefore not create any new jobs for dietitians.

Since a license does not mandate wage levels, a license will not increase wages of dietitians. Presently, some insureres are providing third party payments under some conditions to dietitians. Licensure will in no way mandate these payments. Nurses and pharmacists are licensed and they don't automatically receive them. Insurance companies will continue to make the decisions for third party payments on a case by case basis.

WON'T LICENSURE JUST MEAN DIETITIANS HAVE A MONOPOLY?

No, not at all. Under the terms of the proposed legislation health professionals licensed and qualified to practice nutrition, such as doctors, nurses, people with a Masters or Ph.D. in nutrition and various people such as home economics teachers, county extension agents, government employees, mothers, teachers, and government employees can continue doing their job. These people are specifically exempted in the proposed legislation.

WON'T LICENSURE JUST ADD TO THE BUREAUCRACY AND COST THE STATE MORE MONEY?

No. Under the terms of the bill licensing fees cover the cost of licensure and regulation. A licensed nutritionist is added to the already existing Board of Medical Examiners, and can only vote on matters relating to nutrition. In other words, there will be no new board and no new cost to Montana taxpayers.

SENATE HEALTH & WELFARE
EXHIBIT NO. 2
DATE 3-6-87
BILL NO. HB471

TESTIMONY OF BEVERLY THOMPSON, R.N. ON HB 471, LICENSING OF NUTRITIONISTS 3-6-87

Madame Chairman.

My name is Beverly Thompson. I am a Registered Nurse with 15 years experience as a critical care nurse in both public and private facilities.

For 3 1/2 years I worked at the Montana Deaconess Medical Center Intensive Care Unit in Great Falls.

While I was working there I learned about a person with asthma and eczema who went to see someone who claimed to be an expert in nutrition.

This person told her that she was allergic to several food stuffs, some of this information he gleaned by looking nto her eyes and taking hair samples.

He recommended extensive vitamin/mineral therapy plus dietary restrictions. He sold her a shoe box full of supplements.

Later as her itching became unbearable he injected with her own urine to treat the food allergies and asthma.

As you might guess, this is an extremely dangerous thing to do. The Asthma and Allergy Foundation of America calls this a "Bizarre form of therapy," and warns that it is neither effective nor safe and can produce life-threatening kidney disease.

The victim trusted that the provider was the expert he said he was.

I called the Public Health Department in Great Falls, the Cascade County Attorney, local law enforcement agencies, and the licensing bureau in Helena and they all told me there was nothing they could do about it, since there was no nutrition laws on the books and that the individual injecting the urine was not licensed so there was no way to regulate him.

I was extremely frustrated. Even as a licensed nurse I can not inject anything into anyone's body without a physician's order.

Please protect innocent people like this by making the word nutritionist stand for training and expertise and provide recourse for people who have been harmed.

Thank you.

SENATE H LTH & WELFARE
EXHIBIT NO 3
DATE 3-6-87
BILL NO HB471

House Bill 471

Testimony Submitted by:
A.J. (Tony) Bastien, Testifying in Favor of HB 471

A.J. Bastien
Mountain Sun
Natural & Specialty Foods
10 East Main
Bozeman, Montana 59715
Phone: 586-5511 (W), 586-8700 (H)

My name is Tony Bastien, I am the owner and operator of Mountain Sun Natural and Specialty Foods in Bozeman which is the third largest health food store in Montana.

I would like to testify in favor of House Bill 471.

I have owned and operated my health food store since 1981, and I first became concerned with the issues dealt with by House Bill 471 about four years ago when I realized there was a lack of self-policing, and monitoring within the health food industry.

Now, this bill, as it is written will <u>not</u> in any way affect the operation of, or the merchandising capabilities of my store as it is currently managed.

I have discussed this bill with Rick Gomes, owner of the Oak Spoke Health Food Store in Livingston, and with Rick Aldred, buyer for the Good Food Store in Missoula, and we all agree that this bill will not hurt our business.

However, when unqualified individuals perform nutritional evaluations, and dictate dietary programs for their clients, dietary programs that not only harm, but can, in some instances kill their clients.

..... this is what hurts my store, hurts all health food stores and our credibility as health food retailers.

..... credibility, and reputation for working in the public's interest as can be evidenced by recent advances in athletic nutrition and by our nation's awakening to fitness and heatlh.

House Bill 471, will, in my opinion, be a positive step towards maintaining the integrity of the Montana health food industry and that of the individuals we work with, and at the same time, House Bill 471 will also be a positive step towards protecting the public, especially the poor and the elderly.

Reasons why health food retailers oppose this bill:

As I see it, there are unqualified individuals who have a vested interest in preventing this bill's passage, because these individuals act as nutritional consultants and as outlets for high priced, and oftentimes worthless supplements, now these individuals have convinced many health food store owners that House Bill 471 will hurt them, when in fact, it is these unqualified nutritional consultants who are damaging the credibility and the good name of health food stores. I think many health food store owners have been misled into believing that House Bill 471 will actually hurt their business.

SENATE HEALTH & WELFARE
EXHIBIT NO. 3
DATE 3-6-87
BILL NO. SB 347

Examples of what I consider to be unqualified nutritional advice:

A. MSU faculty came into my store looking for eggs from chickens that had been vaccinated against cancer. Nutritional consultant/practitioner in San Diego recommended these for his terminally ill wife (cancer) and this man had been purchasing these eggs for $48.00 a dozen. (I have never heard of an anti-cancer vaccine, for humans or animals).

B. Young woman came into my store looking for some chlorophyll. A nutritional counselor had advised a massive Vitamin A regimen which had, according to her physician, done irreparable damage to her liver. When I asked her, "Why chlorophyll?" she said she had been given this advice by yet another nutritional counselor. Chlorophyll by the way, is another high source of Vitamin A which could further damage her liver.

C. Older man came to my store, wanted to sell me some twenty bottles of Schiff DL-Carnitine amino acid supplements. About $200.00 at retail. Nutritional consultant had sold him two cases (24) of these bottles of DL-Carnitine as part of an improved diet program, and now this older man needed the money, felt he wasn't getting any benefit from the supplements.

D. I had a lump on my back, went to a "nutritional consultant" who "read" my eyes and attributed my ailment to a poor diet, and too many "toxins," recommeneded a dietary "cleansing" program that included numerous capsuled herbs which he, of course, was more than willing to sell. Later on, my physician diagnosed and operated on my lump which turned out to be a sub-cutaneous infection, one that very well could have caused me to die, and I mean <u>die</u>, from blood poisoning if it had burst.

E. My friend Linda Frantz went to a health consultant who, through a few muscle tests (kinesiology) determined that her parents did not love her, and that as a result, she suffered numerous nutritional deficiencies, which required some $70.00 in supplements to correct, which the consultant wanted to sell her.

F. Friend of mine went to a nutritional consultant, who told him his "aura" was full of holes, etc. On account of his poor eating habits my friend was put on an extreme "cleansing" diet & supplementation, the ill effects of which he still feels today, some three years after terminating the cleansing diet. About a year or so after he had reverted back to his "poor" eating habits, he ran into the above mentioned nutritional consultant who commented on how clean and vibrant his "aura" was.

SENATE HEALTH & WELFARE
EXHIBIT NO. 3
DATE 3-6-87
BILL PAGE 1 OF 2 HB 471

A.J. (TONY) BASTIEN
TESTIMONY
H.B. 471
3.6.87

I HAVE RECEIVED MAILINGS FROM OUT OF STATE INTERESTS (N.N.F.A.)
THEY SAY H.B. 471
✓ WILL RUN HEALTH FOOD STORES OUT OF BUSINESS. (NOT TRUE)
✓ WILL MAKE VITAMINS AND SUPPLEMENTS AVAILABLE BY PRESCRIPTION ONLY (NOT TRUE)
✓ WILL RUN RESTAURANTS OUT OF BUSINESS (NOT TRUE)
✓ WILL RUN CHIROPRACTORS OUT OF BUSINESS (NOT TRUE)
✓ WILL RUN SHAKLEE, AMWAY, NEOLIFE AND OTHER INDEPENDENT SUPPLEMENT DISTRIBUTORS OUT OF BUSINESS (NOT TRUE)
✓ IS NOT NEEDED. (I THINK IT IS).

MISINFORMED INDIVIDUALS HAVE BEEN PRESSURING ME, MY STORE AND EMPLOYEES. THEY WANT ME TO WITHDRAW SUPPORT FOR H.B. 471. THEY HAVE PRESSURED ANOTHER LARGE STORE IN MONTANA INTO WITHDRAWING SUPPORT FOR THE BILL. THE INDIVIDUAL IN QUESTION DOES NOT FEEL H.B. 471 WILL HURT HIS BUSINESS.

DO YOU THINK, THAT I AS A HEALTH FOOD STORE OWNER WOULD SUPPORT LEGISLATION THAT WOULD RUN ME OUT OF BUSINESS? SENATOR KEATING IS A HERBALIFE DISTRIBUTOR, SELLS SUPPLEMENTS, SENATOR KEATING WOULD NOT SPONSOR A BILL THAT WOULD HURT HIS BUSINESS EITHER. (MY STORE IS IN THE TOP 10% OF STORES NATIONWIDE, BOTH IN SALES AND SQUARE FOOTAGE.) I WOULD NOT SUPPORT A BILL THAT WOULD RUN ME OUT OF BUSINESS. ESPECIALLY WHEN SUPPLEMENTS ACCOUNT FOR 50% OF MY SALES.....
I SPOKE TO A NEOLIFE DISTRIBUTOR IN BILLINGS, (MARGE EDDY) SHE DOES NOT FEEL THIS BILL WILL HURT HER BUSINESS, BUT HAS BEEN MISINFORMED INTO BELIEVING THAT HB 471 IS THE GROUNDWORK FOR A NATIONAL A.M.A. PLOT TO MAKE SUPPLEMENTS AVAILABLE BY PRESCRIPTION ONLY.

SENATE HEALTH & WELFARE
EXHIBIT NO. 3
DATE 2-6-87
PAGE 2 OF 2
BILL NO. 87 HB 471

I FEEL H.B. 471 IS A SINCERE EFFORT ON THE PART OF CONCERNED INDIVIDUALS, (MYSELF INCLUDED) TO PROTECT THE GENERAL PUBLIC, FROM FRAUD, ABUSE AND DECEPTION.

A FRIEND OF MINE TOLD ME LAST NIGHT THAT HE SUPPORTS H.B. 471. HIS SISTER IS A MASSAGE THERAPIST WHO ALSO HAS A NUTRITIONAL CONSULTING SERVICE ON THE SIDE. MY FRIEND SUPPORTS H.B. 471, AND WILL CONTACT HIS SENATORS ACCORDINGLY. HE SUPPORTS H.B. 471 BECAUSE HE DOESN'T WANT HIS SISTER, WELL INTENTIONED AS SHE MAY BE, TO INADVERTENTLY KILL SOMEBODY BY GIVING UNQUALIFIED NUTRITIONAL ADVICE.

SENATE HEALTH & WELFARE
EXHIBIT NO 4
DATE 3-6-87
BILL NO HB471

Health Services Corporation of America
Shared Services Corporation of Montana
P.O. Box 5119 • Helena, MT 59604 • 406/442-1911

MEMORANDUM

TO: Montana Legislature
FROM: Les Bramblett, SSCM/HSCA Executive Director
DATE: March 6, 1987
SUBJECT: In support of H.B. 471, Licensing and Regulation of Nutritionists

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Who do I represent: Health Services Corporation of America

Job description: I manage a medical group purchasing program, in Montana for 49 facilities. HSCA/AmeriNet negotiates agreements, on behave of it's members, nationwide.

- Secures the lowest available prices through agreements, such as our food agreement. Based on the various food agreements we have in place, our members purchase approx. 5 to 6 million dollars annually.

Note: I am a business person within the Helena community.

Reasons for supporting the bill:

- It is a responsible bill in that it should prevent unqualified persons from practicing nutrition counseling.
- Provide protection to the consumer from individuals that are not qualified to provide responsible nutrition information.

I urge your support of H.B. 471.

Thank you.

SENATE HEALTH & WELFARE
EXHIBIT NO 4
DATE 3-6-87
BILL NO. HB471

PROPONENT FOR H.B.471
LICENSING AND REGULATION OF NUTRITIONISTS

I ASK THIS COMMITTEE TO SUPPORT H.B. 471. I AM VERY CONCERNED THE MISREPRESENTATION AND MISCONCEPTION OF THE ADVERTISING OF THE WORD "NUTRITIONIST".

THIS IS A HEALTH CONSCIOUS SOCIETY THAT SHOULD NOT BE MISLED, BUT MOREOVER IT IS A SOCIETY THAT IS SHOWING UP MORE AND MORE EATING DISORDERS. I HAPPEN TO BE VERY AWARE OF THIS BECAUSE I HAVE A FAMILY MEMBER THAT HAS THE DISEASE, BULEMIA. ALONG WITH THE GORGING AND PURGING, THERE IS A SERIOUS MENTAL AND EMOTIONAL EFFECT, OFTEN SUCIDIAL. WHEN SOMEONE YOU LOVE ENDS UP IN THE HOSPITAL ILL AND SUCIDIAL, FEAR AND CONCERN FOR THIS PERSON'S LIFE GENERATES YOU TO FIND SOME HELP.

WE HAVE BEEN MISLED BY TITLES WHICH HAS NOT ONLY CAUSED US TO USE METHODS THAT WERE NOT OF ANY HELP TO THE PROBLEM AND POSSIBLY HARMFULL BUT THAT INSURANCE WOULD NOT COVER BECAUSE THEY WERE NOT QUALIFIED IN THE FIELD OF NUTRITIONISTS.

ANORIXIA NERVOUSA IS ANOTHER DISEASE THAT IS KILLING MANY. IT IS LITERALLY SELF-STARVATION. THESE PEOPLE NEED QUALIFIED HELP. I HAVE A FRIEND WHOSE DAUGHTER HAS BEEN HOSPITALIZED FOR APPROXIMATELY 10 MONTHS. THEY ARE NOT SURE IF SHE WILL EVER COME HOME. TEENAGERS ESPECIALLY ARE VICTIMS OF "THIN IS IN" AND THE NEWS MEDIA PUSHES THIS IDEA. LOOK AT THE DEXATRIM ADS - OUR KIDS ARE GETTING HOOKED ON THESE TOO.

WE NEED TO KNOW WHO OUR PROFESSIONALS ARE.

Leona Williams
Helena, Mt.

SENATE HEALTH & WELFARE
EXHIBIT NO. 4
DATE 3-6-87
BILL NO. HB471

Montana Nurses' Association

2001 ELEVENTH AVENUE (406) 442-6710

P.O. BOX 5718 • HELENA, MONTANA 59604

HB 471

Madame Chair, Committee Members, I am Jan Cronquist, speaking in support of HB 471, on behalf of both myself, as a nutritionist and on behalf of the Montana Nurses' Association (MNA).

From my standpoint as someone who has worked in a fairly technical area of nutrition and from the perspective of nurses, who work closely with nutritionists, we recognize it as a science in which advances are constantly being made. Those who are well-prepared academically are in the best position to understand these advances and to incorporate them so as to provide optimal nutritional assessment and counseling. For this reason, we urge your support of HB 471.

Respectfully submitted,

Jan Cronquist
Montana Nurses' Association
March 6, 1987

SENATE PUBLIC HEALTH
EXHIBIT NO. 4
DATE 3-6-87
BILL NO. HB471

Professional Building 510 - 1st Avenue North #4 Great Falls, Montana 59401 (406) 452-2362 (406) 452-1401
1-800-447-9442 In State

American Heart Association

Montana Affiliate, Inc.

February 27, 1987

The Honorable Mike Walker
Montana State Senate
Capitol
Helena, Montana 59620

Dear Senator Walker:

As Executive Director of the Montana Heart Association, and on behalf of its 56 member board of directors, I request your support of House Bill No. 471.

The cardiovascular diseases kill almost double the number of Montanans than all other causes combined. Proper nutrition has been proven to be important in the prevention of certain heart problems and we therefore feel it necessary that persons providing nutritional advice to the general public be properly qualified and licensed.

Thank you for your consideration of this bill which is definitely geared to maintaining the best possible nutritional guidance to the people of our state.

Sincerely,

Madelyn L. Moore

MADELYN L. MOORE
Executive Director

MLM/gh

2-27-87
Jeanette,
This letter was sent to Mike Meyer & Mike Hayes as I like to go into —
Edie

WE'RE FIGHTING FOR YOUR LIFE

SENATE HEALTH & WELFARE
EXHIBIT NO. 4
DATE 3-6-87
BILL NO. HB471

American Diabetes Association
MONTANA AFFILIATE, INC.

600 Central Plaza • Box 2411 • Great Falls, Montana 59403 • (406) 761-0908

March 3, 1987

Gene Thayer, Chairman
Business & Industry Committee
Montana State Legislation
Capitol Building
Helena, Mt. 59620

Dear Mr. Thayer.....

I would like to ask your support of House Bill #471 which would license qualified nutritionists in the State of Montana.

People with diabetes must follow a diet and medication regimen. In order to do this, they must work with an educational team that includes their physician and nutritionist. For this reason, nutrition, which is a science, meeds to be practiced by qualified persons with proper credentials.

Your consideration of this House Bill #471 would make it possible for the 22,000 people with diabetes in Montana to live in a safer market place.

Sincerely,

bz

(Ms) Stanlee A. Dull
Executive Director
ADA, Montana Affiliate

Montana Retail Association

Executive Office
P.O. Box 440
34 West Sixth
Helena, MT 59624
Phone (406) 442-3388

SENATE HEALTH & WELFARE
EXHIBIT 5
DATE 3-6-87
BILL NO. HB 471

TESTIMONY

HB 471

Madam Chairman and Members of the Committee,

For the record, I am George Allen, representing the Montana Retail Association. I am here today in strong OPPOSITION to HB 471.

We represent approximately 1200 retail stores. Included in our membership is approximately 50 health food stores. On behalf of our membership, and on behalf of approximately 3,000 Montana consumers, we would like to present you with petitions of those who all feel HB 471 restricts their freedom of choice.

HB 471 is a health issue, it is a freedom of choice issue. It is an anti-business issue. It is a free enterprise issue.

Where does this Bill come from? What does it do? The Bill comes from a small vocal group who is well organized and financed. Yet it is opposed by literally thousands and thousands of Montana citizens. What does this Bill do? It protects the turf of a select few individuals and gives that group an economic advantage at the expense of others.

I want to thank representative Darkow and others for working so hard in trying to amend this Bill to make it acceptable to both sides. Unfortunately, that seems to be an impossible task.

HB 471 says only a licensed nutritionist can give counseling and/or specific information regarding a persons' nutritional needs.

In Section 6 there has been an attempt to put exclusions in that would satisfy our objections, but it doesn't. It says "that a store owner can give general nutritional information just as long as they don't say that they are a dietician or a nutritionist". I'd like to call your attention to the word "general", and ask a question. How can a store owner sell his product by giving general information only? And when does a person cross over the line from giving general information to specific information?

SENATE HEALTH & WELFARE
EXH. 3
DATE 2-26-87
BILL NO. HB 471

HB 471 allows the store owner to put his merchandise up for sale, but will not allow him to sell it. I have been in the retail business for over 30 years, and I know for a fact that if the store owner is not allowed to suggest and sell his merchandise, he will not succeed. HB 471 ties the hands of a retailer, and prevents him from staying in business.

Let's assume for just a moment that a lady has been going to a health food store for the past 20 years. During that time, she has developed trust and confidence in the advice and counseling that she has received from the store owner. Now let's assume that HB 471 passes in its present form; the store owner becomes a criminal for continuing to do something that he and his customer has been perfectly happy in doing for the past 20 years, and the customer has lost some of his/her freedom of choice. I'd like to have you explain to me where you draw the line between giving information, selling your merchandise, giving advice, or counseling. Each one of these needs to be clearly spelled out, so that the store owner would know when he is breaking the law.

The person who owns a health food store has been painted in the light of an irresponsible merchant. Someone who is threatening the health and welfare of the public. May I suggest the opposite is true. These are responsible men and women, creating jobs, and paying taxes.

There is a lot of confusion, there is a lot of fear, there is a lot of suspicion about this Bill. It would be my recommendation that you table this Bill for this session, let the two parties sit down together, work out a compromise, and come in the next session with a Bill that would be acceptable to all parties involved.

In closing, let me emphasize that there are 50 health food stores along with 3,000 consumers who have signed these petitions who feel that HB 471 takes away their freedom of choice, and they strongly urge you to kill this Bill.

Madam Chairman, I would like at this point to ask everyone in the audience who is opposed to this Bill if they would please stand.

As you can see, there are far too many to be able to testify on this Bill, and we therefore would like to call on the following persons:

Representative Al Meyers	Nancy Aagenes
Ron Hauge	Riley Johnson
Art Kautzman	Laughing Water

Thank you for your attention.

Sincerely,

George Allen
Exec. V.P., Montana Retail Association

SENATE HEALTH & WELFARE
EXHIBIT NO. 6
DATE 3-6-87
BILL NO. HB 471

"DIETITIANS" ARE NOT "NUTRITIONISTS"

Whereas in other states - indeed, for 50 years in this country - the dietitians have been satisfied with only one name, they now want two: "dietitian" and "nutritionist".

After thirty bites at the apple, the dietitians still have not shown that they are entitled to exclusive use of the term "nutritionist". Twenty other states have declined to insert the word "nutritionist". They all had good reason. Those states are: Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Missouri, New Jersey, New York, New Mexico, Oregon, Rhode Island and Utah.

"Dietitians" are a subgroup of "nutritionists". Nutrition and dietetics are separate academic disciplines in graduate institutions. It is for good reason that the "American Dietetic Association" has been so named for almost half a century. Indeed, in a recent publication used by the ADA entitled "Glossary, Accreditation Manual for Hospitals, 1985 (Joint Commission on Accreditation of Hospitals)", there is a definition for "dietitian, qualified", but none for "nutritionist".

Most significantly, the term "nutritionist" does not have an established limitation. It is an evolving term whose parameters will doubtless be established within the next decade as more health subspecialties evolve.

It is crucial to re-emphasize that while some dietitians may also be called nutritionists, they are not the only people who can be so labelled. It is wrong to foreclose at this date a title which may very well -- and probably will -- become available to many others in the near future.

The worst alternative would be to establish a definition of "nutritionist" which is the same as "dietitian". It would be as if nurses decided to take on the exclusive use of the title "paramedics" ten years ago, preventing the evolution of a crucial health subspecialty. We would also note that the State of Michigan, in a December, 1984 governmental study, recommended a moratorium on the licensure of all new health subspecialties in part for the reasons stated above. New Jersey has followed suit on all licensure because of fiscal implications.

MONTANA DOES NOT LET ONLY ONE NEWSPAPER REPORT THE NEWS; IT SHOULD NOT LET ONE GROUP BE THE ONLY OUTLET FOR GENERAL NUTRITIONAL INFORMATION

SENATE HEALTH & WELF RE
EXHIBIT NO. 6
DATE 2-6-87
BILL NO. HB 47

The dietitians have testified throughout the country that all groups other than themselves are incapable of providing nutritional information. They accuse all opposing groups, including NNFA, of claiming that there are freedom of speech or consumer choice issues involved "instead of the consumer protection issue" they claim it is. In their "Summary" submitted to this legislature, the dietitians claim that the purpose of this licensing bill is to protect against "wrong, unsafe and unproven nutrition information.

NNFA believes in playing straight. The dietitians want licensure so that they can: (a) get third-party medical insurance reimbursement; and (b) get more professional prestige and shed the image of menu-planners. We are not against this, but why must they pretend a different issue is at stake? The President of the American Dietetic Association herself admitted this and concluded that licensure was bad:

> "Those in the profession who have examined honestly the true purpose served by licensure have acknowledged quickly that those professional groups which seek licensure are motivated primarily by the anticipated benefit to members of the profession. Yet, the purported purpose of licensing is to protect the public.
>
> "Although the stated purpose of licensure is to benefit the public, few pleas for licensure have come from the public. ...Practitioners also observe that licensing increases the potential for third-party payment for professionals..."
>
> Journal of the American Dietetic Association
> Vol. 84, No. 4 (April, 1984) page 455.

This is particularly true when there are only 190 dietitians in the entire State of Montana.

The ADA also notes that licensing won't necessarily work:

> "[T]he assurance of competence at entry level is certainly not guaranteed, because licensure examinations are generally designed not to measure competence of examinees but to test basic knowledge."
>
> "Higher incomes for professionals have resulted also accompanied by an increased cost of services to consumers."
>
> Ibid, page 454.

In this case, a person licensed "under any other law" [Sec. 6(3)] is exempted. This is hardly protection for the public.

The public does want to choose its source of nutrition. And health food businesses provide a source where the quality and value of nutritional supplements can be discussed. The public also wants access to lecturers on nutrition who are not necessarily dietitians, including people such as Nobel Laureate Linus Pauling.

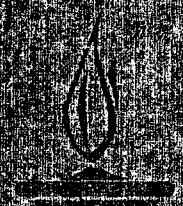
It is no fairer to shut out all other nutritional information sources than it is to say that only licensed mechanics can talk to car customers. Although licensed mechanics may be the only people permitted to fix cars in professional settings, it does not mean that people should not have access to information from magazines and automobile salesmen regarding car performance and statistics.

John Bastyr College

Catalog

Volume 3
1984 - 1986
Published January 1985

SENATE HEALTH & WELFARE
EXHIBIT NO. 12
DATE 3-6-85
BILL NO. AB 847



JOHN BASTYR COLLEGE OF NATUROPATHIC MEDICINE

VIS MEDICATRIX NATURAE

SEN... EXHIBIT NO. 7
DATE 3-6-87

AMERICAN ASSOCIATION OF NATUROPATHIC PHYSICIANS

P.O. Box 5086 • New Haven, CT 06526-0386

OUTLINE OF ORGANIZATIONAL STRUCTURE

The American Association of Naturopathic Physicians is a federacy of its constituent state associations and societies. Each individual regular AANP member must meet at least two of the following three requirements:

1. N.D. degree from an AANP approved naturopathic medical college.
2. Licensure to practice naturopathic medicine in a state with a Board of Examiners recognized by the AANP.
3. Active membership in a constituent state naturopathic association or society recognized by the AANP.

The format of a federacy will strengthen the state associations while the AANP addresses itself to issues on the national level.

The governing body of the AANP is the House of Delegates. Delegates are elected by constituent state associations, each association electing at least one delegate, and an additional delegate for every ten AANP members in their jurisdiction. In addition, each recognized Specialty Society, and each College and Student Association may send one delegate. The House of Delegates meets at least annually and elects a President, Vice President and Board of Trustees that will transact business between meetings of the House.

The Board of Trustees has nine members, 3 elected each year, each with a 3-year term, with no more than 3 from any given state. The President, Vice President and Immediate Past President are ex-officio Board members, and the President serves as Chair of the Board.

The term of office of the President and Vice President is 2 years. The Vice President is the Speaker of the House and becomes President-Elect after a vote of confidence at the end of one year in office.

From its membership, the Board appoints the Chairperson of its five major departments:

1. Council on Education. *(Responsible for accreditation of colleges of naturopathic medicine. Supercedes CNME.)*
2. Department of Business Affairs. *(Fiscal control, group health and professional liability insurance, conventions.)*
3. Department of Professional Affairs. *(Membership: individual and constituent associations and societies, credentials, ethics, national directory; Constitution and By-laws.)*
4. Department of Public Affairs. *(Public relations, media exposure, corporate and public sponsorship program, affiliation with other like-minded organizations, newsletter.)*
5. Department of Government/Legal Affairs. *(Legislative initiatives, aid states in upgrading practice acts and introducing new acts in new states, legal clearinghouse, relationship to federal government.)*

The Board also appoints an Executive Director, a Controller and Journal Editor. In addition, there is currently a Special Task Force on National Board Examinations headed by AANP Board members. The Task Force will develop a uniform examination to be used and recognized by all state licensing boards.

The Scientific Assembly is an annual convocation of the AANP members for the presentation of educational subjects pertaining to naturopathic medicine.

The annual convention and meeting of the House of Delegates, the Board and the Scientific Assembly is in October of each year.

SENATE HEALTH & WELFARE
EXHIBIT NO. 7
DATE 3-6-87
BILL NO. HB471

The Officers and Trustees are:

President:
James Sensenig, N.D., New Haven, Connecticut
Vice President:
to be elected
Trustee and Chair of the Council on Education:
Joseph Pizzorno, N.D., Seattle, Washington
Trustee and Chair of the Department of Business Affairs:
Enrico Liva, R.Ph., N.D., Middletown, Connecticut
Trustee and Chair of the Department of Professional Affairs:
Allen Gamble, N.D., Bend, Oregon
Steven Dubey, N.D., Kauai, Hawaii
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Jared Zeff, N.D., Los Angeles, California
Molly Fleming, N.D., New Haven, Connecticut
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Edwin Hoffman-Smith, Ph.D., N.D., Portland, Oregon
Cordell Logan, Ph.D., N.D., West Jordan, Utah
Past Presidents:
Dr. Bernard Stueber, N.D., Past President of ANMA; resides in Lynnwood, California
Dr. Irvin H. Miller, N.D., Past President of NANP; resides in Tacoma, Washington

A quarterly newsletter will provide needed communication to the profession and facilitate dialogue with the public. A journal is also planned.

The following state naturopathic medical associations and societies are charter constituent members of the AANP. (Other state associations are encouraged to apply for constituent status.):
Arizona Naturopathic Medical Association
Connecticut Society of Naturopathic Physicians
Hawaii Society of Naturopathic Physicians
Oregon Association of Naturopathic Physicians
Utah Association of Naturopathic Physicians
Washington Association of Naturopathic Physicians

The following naturopathic medical colleges are approved by the AANP:
The John Bastyr College, Seattle, Washington
The National College of Naturopathic Medicine, Portland, Oregon

The following state licenses are recognized by the AANP: Arizona, Connecticut, Hawaii, Oregon, Utah and Washington.

Associate, student and sponsor memberships are available for those individuals ineligible for regular membership. Details will be provided on request.

SENATE ... & WELFARE
EXHIBIT NO. 7
DATE 3-6-87
BILL NO. HB471

Amendment to HB 471, white copy:

1. Page 7, line 24
   Following: "nutritionist;"
   Strike: "or"

2. Page 8, line 4
   Following: "nutritionist"
   Insert: ", or"

(10) a naturopathic doctor from engaging in the practice of dietetics when it is incidental to the practive of his profession. For the purpose of (this act), a naturopathic doctor is defined as a person who meets at least two of the following three requirements:

(a) N.D. degree from a naturopathic medical college approved by the Council on Naturopathic Medical Education and the American Association of Naturopathic Physicians (AANP).

(b) licensure to practice naturopathic medicine in a state with a Board of Examiners recognized by the AANP.

(c) Active membership a Montana state naturopathic association recobnized by the AANP.

...C Health & Welfare
EXHIBIT NO. 8
DATE 3-6-87
BILL NO. HB471

FACT SHEET ON HB 471

Prepared by: J. Riley Johnson
Representing the Health Food Service Industries and Independent Businesses in Montana

FACT: Montana's Legislature passed a Dietician Licensure bill in 1983.

COMMENT: The Dieticians requested the 1983 bill and now say it is not enough. Are we standardizing the profession or expanding it for economic gain? No has said why the present law isn't working? In fact, the orginial HB 471 did NOT abolish the present bill...the mutilitude of amendments did.

FACT: 26 other states have addressed this issue of lisensure of dieticians and/or nutritionists and all have turned it down. Virginia, New York, and Washington have done indepth studies and still rejected it.

COMMENT: Why? What have these states learned that we have not had time to learn?

FACT: Montana's Universities do not give a degree in Dietitics.

COMMENT: If it is such a public health problem in Montana, why have the Universities abandon the degree? Must we go outside Montana to fill the major demand for dieticians (and subsequent salaries) that this bill could create?

FACT: The proposed HB 471 exempts many people and professions without regard to their training or effect on the public health of Montana.

COMMENT: Why? A math teacher/football coach can counsel his youth on good diet and nutrition without any training at all. A doctor without any nutritional training can counsel his patients. A state agency employee without any nutritional training can counsel and set standards for our children and elderly. Are we creating a maze of loopholes? Is public health the issue....or is it the elevation of a profession to dominate a market?

FACT: The bill has "quietly" been introduced and pushed by an organized special interest with money. The little people who have to work have had not imput. There is fear out there. They fear loss of jobs...loss of of business...and loss of wages.

COMMENT: Why has there been such a one-sided lobby effort? Have you heard from back home on this bill?

FACT: The original bill (HB 471) was a shadow of the present bill.

COMMENT: HB 471 has been broadened to the point where an elite few will dictate an industry's standards and qualifications....without that industry's imput. What is the need? What is the rush?

FACT: Speaker Bob Marks, voting against this bill, said the bill does not prevent the distribution of any information or products that proponents claim are menacing public health.

COMMENT: Then what is this bill doing? Is it really a public health bill? Or, is it an expansion

State of New York
SEN. Health & Welfare
EXH. 8-7
DATE
BILL NO. 4634

CONCLUSION

Dietitians and nutritionists have been practicing their profession without licensure for a long time. Undernutrition and malnutrition in our society are increasing public health problems which require the expertise of dietitians who are trained to deal with specialized problems. Yet, the imposition of the stringent controls of a licensing system for dietitians and nutritionists, or for any other occupational group, can only be justified by evidence of the fact that to permit the field to operate without licensure has created or would now create some hazard to the public health or safety.

Even when an analysis of need shows that there are compelling reasons to regulate an occupation, it does not necessarily follow that licensure is the most appropriate mechanism for doing so. Government should provide only the minimum level of regulation. Licensure restricts the scope of practice so that it becomes illegal for anyone other than the licensed individuals to provide the services in question. That is why licensure should be used only as the remedy of last resort.

The issue is whether it would be useful to accomplish a limited definition through licensure laws and certification laws, rather than through the A.D.A. registration. Unless more compelling justification emerges through the hearings on this issue or through additional study, a licensure system to define the scope of practice of dietitian and nutritionists should be approached very cautiously.

SENATE HEALTH & WELFARE
EXHIBIT NO. 8
DATE 3-6-87
BILL NO. SB 3451

1. THAT SB 3109 and 3451 NOT BE ENACTED INTO STATE LAW.
2. THAT IF THE LEGISLATURE IS FAVORABLE TO SB 3109, CONSIDERATION BE GIVEN TO CONCERNS ADDRESSED IN THE SHCC STAFF REPORT REGARDING SECTIONS 5(4), 5(8)(b), 8(1), and 11.
3. THAT IF THE LEGISLATURE IS FAVORABLE TO SB 3451, CONSIDERATION BE GIVEN TO NARROWING THE DEFINITION OF DIETETICS, APPLYING REGISTRATION TO INDIVIDUAL PRACTITIONERS (NOT CORPORATIONS), AND FINDING A SUBSTITUTE FOR "REGISTERED" IN THE PRACTITIONERS' TITLE.

FINDINGS

1. The applicant groups did not provide documentation to lead us to the conclusion that unregulated practice in the dietary field is clearly harming or endangering the health, safety, or welfare of the public.

   The applicant groups defined the problem as "experts" giving faulty dietary advice and as "sharp business practices." The applicant groups did not document the prevalence of these problems and the extent of harm they are causing the citizens of Washington state. In every occupation, including highly regulated ones, there are incidents of abuses.

2. The alternatives of licensing dietitians and/or registering all who provide dietary advice for a fee are unacceptable.

   The scope of dietary practice defined in SB 3109 is so broad that it would be illegal for anyone except a licensed dietitian or one approved by a licensed dietitian to provide information about nutrition in the context of preventive health care, whether or not the "expert" were receiving a fee for doing so. We believe this unduly restricts the flow of information among people and would be difficult to administer. While registration would inhibit abuse by placing all practitioners under a discipline accountable to the Department of Licensing, we are not convinced the abuse is so prevalent as to require this.

3. Benefit to the public of licensing and/or registering dietetic practitioners would be minimal.

   Since most dietitians are registered by their professional organization, the consumer already has a means to identify competent ones. Additionally, 60% of dietitians are employed by institutions which are also regulated regarding the quality of their staff. The public now identifies competence in other "diet counselors" in the same manner as it identifies other practitioners - by comparison of charges, recommendations from friends, observed results, etc. We believe this practice should continue unless extensive abuse to the public health and safety become known. Restricting the entry into the profession of those who may provide dietary information may leave out valuable, effective trainers who, for whatever reason, do not qualify for licensing. The reduced number of those who do qualify for licensing would result in increased cost to the consumer and decreased accessibility to the services.

more

...E HEALTH & WELFARE
EXHIBIT NO. 8
DATE 3-6-87
BILL NO. HB 471

March 3, 1987

NFIB
J. Riley Johnson
22 W. 6th Ave
Helena, MT 59601

RE: Bill #471

Dear Mr. Johnson:

I just recently heard about the above bill that has already passed the House of Representatives, yet, I was uninformed about it by a newspaper or any other media.

Do we in Montana really have a public health problem? If so, then I would be the first one to advocate further regulation. But, if all the facts were adequately presented would we find the long-range results of passage of this bill could possibly create further economic hazards in our state?

According to a major van lines 160,000 left Montana in 1986. This was the highest loss rate of any state in the Union. Do we know yet the potential loss rate of jobs and businesses if this bill becomes a law?

I own a natural food dessert shop and I am concerned that I may be the next one to leave the state looking for employment. I personally know dozens of people in the nutritional supplement business, will their jobs be affected detrimentally?

Why has "hurry' been the message behind the passage of this bill without methodically assessing the potential economic effects on our fine state. A thorough study should be made along these lines before it should ever be considered for a vote.

Very sincerely,

Mary Ann Gillispie

Mary Ann Gillispie
Nature's Best Desserts
2812 Brooks St
Missoula, MT 59801

549-BEST

EXHIBIT NO. ____
DATE 3-6-87
BILL NO. AB 472

COUNCIL FOR RESPONSIBLE NUTRITION
2100 M Street, N.W., Suite 602
Washington, D.C. 20037
(202) 872-1488

POSITION ON ADA LICENSURE AND ENTITLEMENT ACTS

The Council for Responsible Nutrition is a trade association of nutritional supplement manufacturers dedicated to improving the health of the American public through responsible nutrition, including the appropriate use of nutritional supplements.

1. The Council for Responsible Nutrition (CRN) shares the American Dietetic Association's concern about the quality of nutrition information provided to the public.

CRN believes that anyone who provides nutrition information should be accountable for its truthfulness and accuracy. Further, CRN believes that no person should falsely represent his or her level of training or expertise in the field of nutrition. Graduation from a "diploma mill" should not qualify any person to claim standing as a nutritionist or dietitian.

2. The Council for Responsible Nutrition (CRN) supports the dietetic profession's desire to enhance its visibility, its professional standing, and its role in the health care community.

The more than 40,000 dietitians in the United States are a key resource in efforts to improve public awareness of the importance of nutrition in diet and health. Although dietitians have traditionally been primarily involved in institutional settings, dietitians are beginning to expand their interest and involvement to include the areas of public nutrition and nutrition education.

3. CRN could support a title act establishing an official title (such as licensed dietitian) and requiring that only qualified persons be allowed to use the title.

However, CRN opposes efforts to expand the protected titles beyond those incorporating the word "dietitian." In some states, dietitians have attempted to establish exclusive rights to terms such as nutritionist, nutrition counselor, nutrition consultant, nutrition specialist, diet counselor, diet consultant, diet advisor, weight counselor, and weight specialist. CRN believes these terms go beyond the scope of practice to which dietitians can possibly assert a unique claim. (In some states nutritionists have proposed their own title acts, or have added a nutritionist's title provision to the dietitian's title act. CRN does not oppose the right of nutritionists to protect their professional title. However, the definition of "nutritionist" should not be so broad as to have the effect of preventing other responsible parties from providing general nutrition information, as discussed further in Item 5 below.)

4. As an alternative to a title act, CRN could support a licensure act, establishing an official title and setting up a licensing board to regulate the profession, provided the definition of the scope of practice is not exclusionary.

CRN recognizes that dietitians have every right to define their own scope of practice as broadly as is justified by the actual activities of its membership; however, the ADA is not justified in reserving to itself areas of practice which in fact constitute a small proportion of dietetic practice. Any effort to do so would infringe wrongly on the rights of other professionals and informed persons to share nutrition information.

It should also be noted that many observers question whether licensure is in the public interest. In a recent article, a past president of ADA, Marilyn Haschke, wrote that licensure "does not guarantee competence at entry level in a profession" and that licensure has historically resulted in higher incomes for professionals and higher costs to consumers.[1] She noted that "the primary push in favor of licensure has come from practitioners. Although the stated purpose of licensure is to benefit the public, few pleas for licensure have come from the public."[1] She added that consumers "have learned that licensing may add to the cost of services while not assuring quality."[1] At least 30 states have passed sunset legislation intended to phase out licensure laws that do not demonstrate their ability to ensure professional accountability, according to Haschke.

CRN understands that one of the objects of the licensure effort is to prepare the ground for expanded third-party reimbursement for dietetic services. CRN supports activities that increase public support for nutritional interventions and, in concept, CRN could also support increased third-party reimbursement for nutrition services, including dietetic counseling. Some observers, however, have questioned whether expanded areas of third-party reimbursement are desirable, given the importance of controlling health care costs. The 1984 Study Commission on Dietetics noted that ADA had put a "top priority" on obtaining third-party reimbursement for dietetic services.[2] The Study Commission expressed pessimism about the prospects for such reimbursement, since public policy is moving away from "fee-for-service" payments and toward new patterns of payment designed to lower health care costs.

5. CRN could not support any licensure act or scope of practice act which had the objective of preventing all persons other than dietitians from providing nutrition information.

a. The education and training of dietitians is not sufficiently unique to justify excluding all other potential providers of nutrition information and counseling. According to a 1981 ADA membership survey, over half of dietitians have only a bachelor's degree, and only 5 percent have doctoral degrees.[2] Many other health professionals and educated laypersons have equivalent levels of scientific training and/or nutrition training. Many non-dietitians function effectively in a wide variety of federal, state, and private nutrition programs.

SENATE HEALTH & WELF. RE
EXHIBIT NO. 8
DATE 3-6-87
BILL NO HB471

B. Even in clinical settings, dietitians are not the only professionals qualified to give nutrition support. The 1984 Study Commission on Dietetics observed that there was an increase in interest in clinical nutrition and that the "growth of the field has attracted other qualified professionals; to some extent, physicians, pharmacists, nurses, and others have become competitors of dietitians."[2] As cost-cutting measures, some of these professionals in some health care settings are taking over tasks previously performed by dietitians. Nevertheless, the Study Commission concluded that "dietitians should regard these advances as opportunities rather than as occasions for concern," and recommended that the dietetic profession should not try to "erect barriers to prevent others from entering."[2] CRN believes the interest of all health professionals in the area of nutrition should be welcomed and encouraged. In the words of the 1984 Study Commission on Dietetics, "The ADA has devoted much time and energy to definition and identification of the 'unique role' of the dietitian. Perhaps these attempts are justified for legal reasons in the movement toward state licensure. But in the long run, such efforts are self-defeating."[2]

Some of the state licensure bills have dealt with the problem of competing professional groups by defining the field of dietetics very broadly and then exempting a long laundry list of professionals and employees from coverage, including the following: federal, state, and local employees; members and employees of the Armed Forces, the Public Health Service, or the Veterans Administration; employees of the mental health system or the social services departments; licensed physicians, nurses, dentists, chiropractors, dental hygienists; MDs, PhDs, members of the American Institute of Nutrition, members of the Federation of American Societies of Experimental Biology; and people with equivalent training. It seems clear to CRN that the definition of the scope of practice is too broad when it is necessary to exempt more people than are included in its coverage.

C. Dietitians are clearly not the only people qualified to provide general nutrition information for the public, and indeed the 1984 Study Commission on Dietetics observed that "dietitians are not widely recognized by the public as those qualified by education and training to provide the necessary expertise in the field."[2] The number of other professionals and educated lay persons who currently offer valuable nutrition information to the public far outnumbers the number of dietitians who are involved in nutrition counseling for the general public. According to a 1981 ADA membership census, 65 percent of dietitians are involved in the areas of clinical dietetics or food service.[2] Only 10 percent of dietitians are involved in community nutrition and only 4 percent in nutrition education.[2] Other professionals, laypersons, and organizations intimately involved in providing general nutrition information to the public include nutrition educators, home economists, athletic coaches, health spa employees, agriculture extension agents, WIC aides, Red Cross nutrition instructors, consumer advocates, supermarket nutrition advisors, developers of employee health programs, health food store personnel, weight loss clinics and

instructors, restaurant operators, food advertisers, newspaper and magazine food editors, the La Leche league, the YMCA and YWCA, food scientists, cooking instructors, TOPS, Weight Watchers, the Feingold organizations, and teachers of adult education classes. These people, as well as dietitians, have access to an enormous body of published literature on health and nutrition, as well as a large and growing supply of computer software which is uniquely designed to analyze dietary nutrient intake and in some cases even offer computerized advice about the foods that are lacking in the diet or the nutrients that may be in short supply. The time has passed when dietitians might have claimed unique expertise in the area of dietary analysis and computation of nutrient intake, let alone more general advice on foods, food groups, the overall relationship between diet and health, the importance of concepts such as nutrient density, and the modifications in food choices that will lead to diets lower in fat, higher in fiber, or more balanced in nutrient intake.

CRN believes that the licensure legislation should not exclude people and groups such as those enumerated above from providing nutrition information. In some states, licensure acts which appeared to interfere unduly with ordinary commercial activities relating to the sale of nutrition products have been amended to make it clear that the legislation does not interfere with these legitimate business practices. CRN believes it would be preferable to draft legislation in such a way that caveats are not required; but if that is not politically feasible, the CRN would support exemption language such as the New Jersey example cited below. In addition to the exemption language, it may be desirable for legislation to include a clarifying statement of intent such as the New York example cited below.

Example from the New Jersey bill. "Nothing in this Act shall be construed to prohibit any person who does not hold himself out to be a dietitian or nutritionist from furnishing general nutritional information as to the use of food, food materials, or dietary supplements or from engaging in the explanation and education of customers as to the use of foods or food products including dietary supplements in connection with the marketing and distribution of those products or the rendering of any service."

Statement of intent, from the New York draft. The intent of the legislation is to "insure the continued viability of legitimate health spas, weight control programs, and health food stores and restaurants," while at the same time identifying professionals "who, in a traditional private practice setting, may provide therapeutic nutritional services to both the acute and chronically ill."

6. CRN recognizes the desirability of making all persons accountable for the accuracy and rationality of the nutrition advice they may provide to the general public or to individuals, but CRN is persuaded that accountability is not achieved by silencing large categories of people.

The 1984 Study Commission on Dietetics recognized the desire of dietitians to protect the public from unqualified "nutritionists," but it recommended that this problem

SENATE HEALTH & WELFARE
EXHIBIT NO. 8
DATE 3-6-87
BILL NO. HB 471

"should be approached in a positive or assertive, rather than in a negative or defensive, fashion. The emphasis of dietetics should be on moving ahead with more dynamic and expanded roles, based on scientific expertise, rather than on attempts to protect present functions so that others may not engage in them."[2] CRN recognizes that one of the goals of the licensure effort is to protect the public from unqualified practitioners, but care must be taken to distinguish between professional issues regarding qualifications and education and freedom of speech issues regarding the right to espouse controversial views.

7. CRN strongly opposes any attempt to use the licensure acts as vehicles for enacting unrelated provisions regarding the formulation and promotion of dietary supplements of vitamins and minerals.

In some state bills, provisions have been included that would have limited the formulation of dietary supplements to some set percentage of the U.S. RDA of vitamins and minerals or that would assert that all nutrition advice must be based on the U.S. RDA. Such provisions are not germane to the licensing effort which should deal with qualifications and education, not with the formulation of products or the orthodoxy of nutritional beliefs.

Conclusion: The Council for Responsible Nutrition is a trade association of nutritional supplement manufacturers and is committed to efforts to enhance the health of the American public through improved nutrition, including the appropriate use of nutritional supplements. CRN is convinced that more attention should be paid to the role of nutrition in preventing disease, in promoting health, and in aiding recovery following disease or injury. CRN shares the concern of the dietetic profession about the need to assure the accountability of those who provide nutrition advice. The specific legislative provisions the CRN could and could not support are summarized below:

A. CRN could support an entitlement act for dietitians, provided the title is one which includes the word "dietitian." CRN could not support including the term "nutritionist" among the titles reserved for dietitians. However, CRN is not opposed to related entitlement acts protecting the rights of nutritionists.

B. As an alternative to an entitlement act, CRN could support a licensure act, provided the definition of the scope of practice is not exclusionary.

C. CRN opposes any attempt to reserve to any discipline the exclusive right to provide nutrition information and advice.

D. CRN opposes any attempt to use the licensure legislation as a vehicle for enacting unrelated provisions regarding the formulation and promotion of nutritional supplements.

References

1. Haschke, Marilyn B., RD. "President's Page: Licensure for dietitians: The issue in context." Journal of the American Dietetic Association 84:474-5 (April 1984).

2. "A new look at the profession of dietetics. Final report of the 1984 Study Commission on Dietetics: Summary and recommendations." Journal of the American Dietetic Association 84:1052-1063 (September 1984).

For further information on the Council for Responsible Nutrition or this position statement, please contact:

J. B. Cordaro, President
Council for Responsible Nutrition
2100 M Street N.W., Suite 602
Washington, D.C. 20037
(202) 872-1488

September 1985

Law & Government Relations

Shaklee Corporation
Shaklee Terraces
444 Market Street
San Francisco, CA 94111

Telephone 415 954-3000

SENATE HEALTH & WELFARE
EXHIBIT 8
DATE 3-6-87
BILL NO. HB 471

February 27, 1987

The Honorable Dorothy Eck
Chairman, Public Health, Welfare & Safety Committee
Montana State Senate
State Capitol
Helena, Montana 59620

Dear Senator Eck:

I have reviewed House Bill 471 and I have some concerns with the bill as it is presently written.

Shaklee as you may know, is a direct selling company that markets its nutritional, household and personal care products in the home through hundreds of thousands of small businessmen and women. As a major manufacturer of vitamins and food supplements, we are dedicated to enhancing the health of the public through responsible nutrition, including the appropriate use of nutrient supplementation.

Shaklee supports the concept of licensing dietitians and nutritionists, however, we want to assure that in doing so you do not limit an individual's ability to market nutritional products including dietary supplements and to provide general nutritional information. Shaklee Corporation has several Registered Dietitians and Nutritionists as well as other health professionals on our Science & Technology staff and they perform a needed role in the development of our products and literature.

Although House Bill 471 as originally drafted was directed at the licensure of dietitians, the bill has been substantially amended to license instead nutritionists which has broaden the impact of the legislation considerably. Shaklee is not opposed to a licensure procedure for nutritionists but we are concerned with this bill which very broadly defines "Dietetic - Nutrition practice" in Section 2(5)(7) and in Section 3 and then limits these activities to only those who are licensed.

Although several states are reviewing licensure bills no state has passed such broad and limiting legislation such as this. There has been a consistent recognition that licensure legislation of this type promotes the economic advantage of a single professional group to the disadvantage of others. In fact three states, New York, Virginia and Washington conducted studies as to the need for licensure and all three concluded that the primary motivation was economic and that the health and safety of the public was not in jeopardy since documented abuses were minimal.

SENATE HEALTH & WELFARE
EXHIBIT NO. 8
DATE 3-6-87
HB 471

Dietitians and nutritionists as defined in this bill are not the only people qualified to provide general nutritional information and counseling to the public. Other professionals, lay persons and organizations involved in providing general nutrition information and some counseling include home economists, athletic coaches, health spa employees, agriculture extention agents, Red Cross nutrition instructors, consumer advocates, supermarket nutrition advisors, developers of employee health programs, weight loss clinics and distributors of food supplements. Given such a broad definition it is questionable as to whether or not these activities fall in under "nutritional counseling" and assessment.

I recommend that House Bill 471 be amended to provide for a licensure procedure and not limit the more general practice of nutrition to just one professional group. I have enclosed a copy of the Maryland Public Law licensing nutritionists which accomplishes this.

Sincerely,

Evelyn Jarvis-Ferris

Evelyn Jarvis-Ferris
Director, Government Relations

EJF:kjk
Enclosures

cc: Members of the Public Health Committee

SENATE HEALTH & WELFARE
EXHIBIT NO. 2
DATE 2-6-87
BILL NO. HB 547

PART IV: SUMMARY OF FINDINGS AND RECOMMENDATIONS

The Council on Health Regulatory Boards makes the following findings and recommendations based on its study of the need to regulate dietitians and nutritionists.

1. The Council finds, using its formal criteria for evaluating the need to regulate a health occupation, that there is currently no need for state regulation of dietitians and/or nutritionists in Virginia, and recommends that no regulation be implemented by the General Assembly at this time.

2. The Council finds that much dietary and nutrition information and advertising of services is available and distributed freely in the media, through many types of businesses and educational programs, as well as by dietitians and nutritionists. Much popular information is conflicting or questionable, contributing to risk for harm to the public. Appropriate disclosure of information about services is necessary for the public to make informed choices in seeking and selecting dietary and nutrition services, but occupational regulation (licensure, certification, or registration) is not the preferred means to the end of appropriate disclosure.

   The General Assembly may wish to consider amendments to the Consumer Protection Act regarding disclosure of information to consumers, perhaps by requiring that disclosure statements include the education and training of the practitioner; a description of the proposed treatment and anticipated outcomes; financial arrangements and requirements; lists of acts of unprofessional conduct; disclosure of the client's right to refuse any part of the treatment; and complete disclosure of the limits of any confidentiality provisions.

3. The Council finds that dietitians and nutritionists practice in a wide diversity of settings--from laboratories to weight control businesses--and that no single set of standards for education and training for all dietitians and nutritionists exists. Professional associations and private credentialing organizations serving dietitians and nutritionists may establish training standards and bring research findings into clinical practice. These associations and organizations should encourage the initial and continuing competence of their memberships.

4. The Council finds that existing mechanisms for reducing risk for harm to the public are working. The Office of Consumer Affairs, the State Board of Medicine, and other health regulatory boards are enforcing existing statutes and regulations that reduce risk for harm from dietitians and nutritionists. These agencies, along with Chambers of Commerce, Better Business Bureaus, and other agencies and organizations are available for the public to make inquiries and complaints regarding harm from dietitians and nutritionists.

SENATE HEALTH & WELFARE
EXHIBIT 7
DATE 3-6-87
BILL NO HB 471

Senate Testimony

Opposing HB 471

submitted by **Laughing Water, March 6, 1987**

To the Senate Public Health Committee:

I am the organizer of the Health Freedom Coalition, which represents health food retailers and consumers, health professionals (including doctors and chiropractors as well as alternative practitioners) and others who are opposed to HB 471.

I have been a health food retailer for 11 years, and as you can see from my biographical notes, I have a very active lifelong interest in health and human potential. I have had an excellent education, including a degree from MIT, and have earned some of the highest academic honors in addition to having personally explored many approaches to nutrition and health.

Although I am sympathetic to the positive purposes of HB 471, I have many objections to the bill itself. These are outlined below:

The bill's definition of nutritionists is wrong. The qualifications defined by the bill exclude many respected nutritionists, including not only a large number of individuals holding advanced degrees from accredited institutions, but additionally, individuals whose training is either from unaccredited institutions or who are self-taught.

Among those nutritionists with degrees from accredited institutions would be biochemists, such as Dr. Jeffrey Bland, one of the nation's most respected biochemical nutritionists who has actually taught many M.D.s. Another would be those with degrees in the behavioral sciences, such as Alexander Schauss, who is employed by the World Health Organization and lectures at Oxford.

One of the most famous of the self-taught nutritionists is the late Nathan Pritikin, whose efforts revolutionized our understanding and treatment of heart disease through diet. He has been eulogized by former Senator George McGovern, who headed the Senate Select Committee on Nutrition, and Dr. William Castelli, M.D., who conducted the famous Framingham Heart Study.

The dictionary defines nutritionists as specialists in the study of nutrition. Since nutrition is an extraordinarily complex field, it embraces many different academic disciplines that may allow for specialization in nutrition. The breakthrough research in nutrition is being done in "a variety of fields, such as clinical immunology, cell biology, nutritional biochemistry and exercise physiology," according to Jeffrey Bland, whose letter is enclosed.

HB 471 seems deliberately set up to restrict the title "nutritionist" to dietitians, who represent only one segment of the nutrition field—and a rather extreme segment at that. It would make much more sense to let the dietitians, who wrote and support the bill, to regulate themselves as *dietitians* rather than to license *nutritionists*, which is not a term they have historically used. Dietitians are an easily defined professional group; nutritionists are not.

It's too restrictive. The bill makes it illegal for most individuals to furnish nutritional assessment or counseling, which are common activities of health

SENATE ... EXHIBIT NO. 9
DATE 3-6-87
BILL NO. HB 472

Laughing Water: Biographical Notes

Academic history and honors

- National Science Foundation Mathematics Training Program, Rutgers University, 1966 (for high school students).
- National Merit Scholarship, 1967.
- Presidential Scholarship, 1967 (awarded to 121 American high school seniors honored at the White House).
- S.B. in Humanities and Science, Massachusetts Institute of Technology, 1971. Concentration in Philosophy and Psychology.
- Elected to Phi Beta Kappa, 1971.
- Graduate study in Cognitive Psychology at the University of Illinois (Champaign-Urbana), 1971-1972, as a Dahlenbach Fellow. Straight-A's.
- Graduate study in Comparative (East-West) Psychology at the California Institute of Asian Studies, 1973-1975.

Vocational experience

- Research Assistant, Bell Telephone Laboratories Batteries Division, summer 1967.
- Research Assistant, MIT Psychology Department, Psycholinguistics Section, 1969-1971.
- Translator, 1970-1971. Russian-to-English translation of *Weather Forecasting as a Problem of Physics* published by the MIT Press.
- Clerk and trainer, Earthworks Natural Foods, 1973.
- Part-time watchman and assistant, Saints Christian Funeral Home, Oakland, California, 1974.
- Owner-manager, the Real Food Store, Helena, Montana, 1975-present.
- With wife, co-owner and manager of the Feathered Pipe Ranch, Helena, Montana, 1976-present.
- Nutrition lecturer, 1976-present. Taught for college credit through the Holistic Life University (San Francisco) and served as guest lecturer at Carroll College.
- Bookkeeper and Treasurer, Feathered Pipe Foundation, 1981-present.
- Independent microcomputer software developer and consultant, 1981-present.

Other accomplishments and interests

- High school varsity wrestler and distance runner, captain of track team. College cross-country and indoor track. Boston Marathon finisher, 1968-1971. Sponsor and competitor in Mt. Helena Run, 1985.
- Student of yoga from age 13.
- Student of Buddhism since 1971, including 30-day intensive meditation in 1974 under the guidance of the Ven. Chogyam Trungpa Rinpoche.
- Nationally published poet.
- Participant in many seminars and conferences on nutrition, health and human potential at the Feathered Pipe Ranch and elsewhere since 1971. Organizer of lectures by internationally known nutritionists in Helena.
- Montana representative on the board of the Northwest Nutritional Foods Association.

SENATE HEALTH & WELFARE
EXHIBIT NO. 9
DATE 2-26-87
BILL NO. HB 471

food store personnel, parents and many other individuals. Exemptions allow for the furnishing of *general nutrition information*, but these exemptions do not allow the furnishing of specific information (whatever that means) or assessment or advice.

It's bad for Montana businesses. It's questionable whether salespeople could offer the assessment and advice normally entailed in selling nutritional products. Because of the unclarity of the bill's language, it could destroy the health food industry in Montana, along with naturopathy and other low-risk, low-technology methods of health enhancement. Growers and manufacturers would also be impacted because so many new food, supplement and herbal products are being introduced on the market, and many of the raw ingredients either are or can be produced in Montana.

It's confusing. Many lawyers and legislators are convinced the bill restricts nothing except the word *nutritionist*. But the dietitians wrote the bill to restrict the *practice* of nutrition, regardless of what you call yourself. If the bill can be so popularly interpreted either way it should be defeated for unclarity.

It's not needed. There has been no public demand for the bill, and evidence of harm is lacking. Cases cited fall under the medical licensing laws, labeling laws or fraud laws. For the purpose of identifying people the dietitians consider qualified, the dietitians already have a title act that identifies registered dietitians to the public.

It's not wanted. As the Montana legislative watchdog for the National Nutritional Foods Association and Montana board member of the Northwest Nutritional Foods Association, I can assure you that the health food industry and health food consumers are nearly unanimous in their opposition to HB 471.

Our petition campaign has been raising 1,000 signatures per week; the total now stands at 3,000. The dietitians have no apparent support from the general public, which prefers freedom of choice.

I have even received a petition from a student who is studying dietetics and asked not to be identified for fear of reprisals.

NAME: Jerome Tweedy DATE: _____

ADDRESS: Box 218 Emigrant, Montana

PHONE: _____

REPRESENTING WHOM? THE CAUSE OF FREEDOM

APPEARING ON WHICH PROPOSAL: 471

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: AMERICA'S FREEDOM IS BEING ERODED AS THE AMA AND OTHER SPECIAL INTEREST GROUPS ARE GIVEN LICENSE TO DICTATE WHAT IS GOOD FOR ALL OR OTHER PARTS OF LIFE WHO DO NOT SHARE IN THE SYSTEMS OF NUTRITION, EVEN THAT WHICH IS TAUGHT IN COLLEGES AND UNIVERSITY. DIFFERING POINTS OF VIEW OF CHIROPRACTIC, NATUROPATHIC, WHOLISTIC HEALTH AND HEALTH FOOD STORES MAY DIFFER AND DO DIFFER FROM [redacted] THAT WHICH EVEN IS CURRENTLY TAUGHT. TO LICENCE ONE GROUP TO DICTATE THE VALUES TO A WIDE GROUP THAT HAVE DIFFERENT VIEW POINTS. AMERICA'S GREATEST VALUE AS CONTAINED IN THE CONSTITUTION AND BILL OF RIGHTS IS "FREEDOM" OUR GOD GIVEN RIGHTS OF FREEDOM OF CHOICE ARE BEING ASSAULTED ON MANY LEVELS BY SPECIAL INTEREST GROUPS.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: _____ DATE: 3-6-87

ADDRESS: _____

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: Dear Committee,

I really resented all the hearsay and Anecdotal information given by the Dietians presented. If they are going to be scientific let it began in the testimony

India Segura
2409 Colorado Gulch
Helena, MT 59601

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

ROLL CALL

Public Health, Welfare and Safety COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date 3-6-87

NAME	PRESENT	ABSENT	EXCUSED
Dorothy Eck	X		
Bill Norman	X		
Bob Williams	X		
Darryl Meyer	X		
Eleanor Vaughn	X		
Tom Rasmussen	X		
Judy Jacobson	X		
Harry H. "Doc" McLane	X		
Matt Himsl	X		
Tom Hager	X		

Each day attach to minutes.

SENATE [illegible] COMMITTEE

BILL [illegible] VISITORS' REGISTER DATE 2/17/77

Please note bill no.

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPPOSE
[illegible]	[illegible] Freedom Coalition	HB471		✓
Katy Delano	Self		✓	
[illegible]	Self	HB471		✓
[illegible]	Self	HB471	✓	
[illegible]	Self	HB471	✓	
[illegible]	Self	HB471		✓
[illegible]	Self - Naturopathy	HB471		✓
[illegible]	self	HB471	✓	
[illegible]	Mt. Beef Council Mt. Cattle Women Mt. Stockgrowers	HB471	✓	
[illegible]	N.N.F.A	HB471		✓
[illegible]	Self	HB471		✓
Laurie Bode	Self	HB471		✓
James M. Peterson	DEPT. of HEALTH	HB536	✓	
[illegible]	Self	HB471	✓	
[illegible]	self	HB471	✓	
[illegible]	HSEA	HB471	✓	
Melinda Artz	self	HB471		✓
[illegible]	SELF	HB471		✓
[illegible]	self	HB471		✓
[illegible]	Self	471		✓
[illegible]	Mont. Dental Hygienists Assn.	HB 471	✓	
[illegible]	Self	HB471		✓
[illegible]	Self - Naturopathy	HB471		
[illegible]	Self	HB471	✓	✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

SENATE Public Health COMMITTEE

BILL 471 VISITORS' REGISTER DATE 3-6

Please note bill no.

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPP
Mike Mason	Self	471		✓
Maureen McDonnell	Montana Health Dept. Institute of Education	471		✓
James E. Mikesh JR	SELF	471		✓
Mark S. Morgan	Holiday Health Foods & Gifts	471		✓
Alice Koehler	Self + Holiday Health Foods	471		✓
Melvin Koehler	Self	471		✓
Hazel Anderson	Visitations	471	✓	
Jerome Tweed	Self	471		✓
Jill Burbank	Self	471		✓
Ron Hauge	Montana Pulse + Herb Inc	471		✓
Denise B Hauge	Ditto	471		✓
Gaylord Mortensen	Great Falls Meat	471		✓
Brooke Malicoat Eagle	Helena	47		XX
Jim Gladstone	Montana			✓
Lee Ewing	Helena	471		X
Britt Nelson	E. Helena	471		X
Emma Pickett	Helena	47	✓	
Riley Johnson	Helena UNFA	471		X
Cindy Brown	Helena	471	✓	
Deanna Hopkins	Helena		✓	
Lee Heiman	Helena	471	✓	
Katherine M. Miller	Helena	471		✓
Lenore J. Sola	~~Helena~~	471	✓	
Karalyn Simpson		471	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

SENATE Public Health COMMITTEE

BILL 471 VISITORS' REGISTER DATE 3-6-87

Please note bill no.

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPPOS
[illegible]	self	471	✓	
Matt Kenck	self	471		✓
Marta Mackay	self	471		✓
Linda Dupea	self	471		✓
Melene Cross	self	471		✓
Polly Junkermier Poole	MT Dietet Assn	471	✓	
Carolyn Wendell	MT Dietetic Assn	471	✓	
Debbie Byerrum	MDA	471	X	
Toni Mary Davis	Mt. Dietetic Assn	471	✓	
Mary M Wood	MT Dietetic Assn	471	✓	
David McKibben	Coop Extension Service	471	✓	
Linda Impeden	mt. dietetic assn	471	✓	
Dorothy M. Brown	MT Diet. Assoc	471	✓	
[illegible]	MDA	471	✓	
[illegible]	MDA	471	✓	
Peggy Boyd	self	471	✓	
Cheryl Hagens	self	471		✓
CRAIG AMEY LONG, SR	JBCNRI, WANP, AANP	471		✓
NANCY ARGENES	SELF	471		✓
Jack McMillan	Self	471		✓
Jackie Augustin	Mother	471		✓
George Allen	Mt. Retail Assn	471		✓
Joan Kemp	Diet Center	471	✓	
Catherine A. Fleming	MT. Dietetic Assn	471	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

SENATE _____ COMMITTEE

BILL 471 VISITORS' REGISTER DATE 3/6/

Please note bill no.

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPP
Helen Buchanan	Montana Prof.	471		X
Pat Bollinger, R.N.	self	471	X	
James M. Peterson	SELF	471	X	
Jan Cronquist	Montana Nurses Assoc	471	✓	
Jackie O'Farrell	Montana Dietetics Assn	471	X	
Jayne Shearer	Self	471	X	
[illegible]	Self	471		X
Ken Eaton	"	471	X	
[illegible]	MMA	471	X	
Irene Eidet	Montana Dietetic Assoc	471	X	
Sally Boocker	Great Divide Exchange	471		X
[illegible]		471		X
Claudette Ross	self	471		X
Pamela K. Harris	Montana Dietetic Assoc	471	X	
Anne Ahrens	Montana Dietetic Ass, MSU	471	X	
Julie Wiley	Health Freedom Co.	471		X
Katherine Smith	Health Freedom	471		X
Marita Martinuck	Ad Common Man	471		X
[illegible]	self	471		X
Mary Anne Jurgelewicz, M.D.	self	471	X	
[illegible]	Health Food Stores	471		X
Marcia Herrin	University of MT	471	X	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

March 11, 1987

The meeting of the Senate Public Health, Welfare and Safety Committee was called to order by Chairman Dorothy Eck on March 11, 1987, in Room 410 of the State Capitol.

ROLL CALL: All members of the committee were present.

CONSIDERATION OF HOUSE BILL NO. 555: Rep. Jack Sands, District # 90, sponsor of the bill, explained that this bill authorizes the Board of Medical Examiners to establish a drug and alcohol treatment program for impaired physicians and that the costs to the state would be $116,000 for the biennium.

PROPONENTS: Maurice Hammill, Montana Board of Medical Examiners, testified that since 1977, any licensed physician needs to report to the board any allegations of impairment, whether it be mental, physical, or substance abuse. They have been operating now to provide care to physicians and have several to treat.

Edward Nolly: Board of Medical Examiners, stated that the Board has worked closely with hospitals since 1977 to have impaired physicians reported and then has worked with these doctors in providing necessary therapy. This is now a speciality in medicine and the medical profession is trying to keep up with events happening throughout the U.S. The Board requires money to check on cases. It comes out of fees to the Board of Medical Examiners at no cost to the people of Montana.

Jerry Lindorf, Montana Medical Association, stated that they have removed imcompetent physicians from practice, but the state prefers to salvage these doctors whenever possible, because they have invested so much money in their medical educations.

Eileen Robbins, Montana Nurses Association, stated that physicians' impairment is harmful to nursese and patients. The therapy program offers an opportunity to physicians to recover and provide a strong roll model for others. Exhibit # 1.

Wm. Leary, Montana Hospital Association, stated that because of the professional isolation in rural areas of Montana, physicians do turn to alcohol and drugs to fill in long hours. It is better to help these doctors because it is very difficult to bring physicians to these areas and communities have often made an investment to bring doctors to their areas.

DISCUSSION OF H.B. 555: Sen. Rassmussen: Are these physicians out of practice for awhile ?
Edward Nolley: Some are pulled from practice for awhile, but it depends on how radically impaired they are. In any case they are supervised; and the physicians sign a contract to do follow-up treatment.

Sen. Williams: Is there a similar program for nurses?
Eileen Robbins: No, but we are looking at establishing one.

Sen. Himsl: Can't the individual doctor pay for his own treatment?
Edward Nolley: The treatment is at the physician's expense, but the costs in the fiscal note are for the state's monitoring costs. Also, the state is

that may be taken for failure to renew; Sec. 9 is new and deals with unprofessional conduct.

PROPONENTS: Morris Hammill, Board of Medical Examiners, stated that the broad statutes have been the same since 1947, but that this bill updates the discinplinary statutes. It ensures qualified, competent physicians in Montana and redoes the educational requirements by adding an extra year of training. These changes will ensure better monitoring and thus protect the public.

Ed Bertinolli, Board of Medical Examiners, stated that some of the regulations and language relating to podiatry were very outdated and this bill brings them up to date with modern practice.

Jerry Loendorf, Montana Hospital Association, stated that this bill allows new doctors to get started in the state by issuing a provisional license, while they go through the longer process of obtaining a permanent license. The bill gives the board broader powers, has new provisions for unprofessional activities, and contains statutes similar to those governing other parts of the medical profession.

Lawrence Rogers, Podiatrist, Missoula, stated that the Northwest Podiatrist Association has updated its educational requirements, and the bill recognizes those requirements; the state can initiate punitive regulations better through this bill; and the state's residents will get better protection.

DISCUSSION OF H.B. 615: Sen; Himsl: Is there a grandfather clause in this bill?
Mr. Hammill: The bill will become effective in September, 1987. I assume that all physicians practicing in the state will remain.
Rep. Cody: This only applies to people applying after September 30, so the grandfathering is in the bill.

Rep. Cody, in closing, stated that the bill is clear and without ambiguity.

ACTION ON H.B. 615: Sen. McLane moved that H.B. 615 BE CONCURRED IN. The vote to pass was unanimous. Sen. McLane will carry the bill.

CONSIDERATION OF HOUSE BILL NO. 788: Rep. Red Menahan, District # 67, sponsor of H.B. 788, informed the committee that he would like the bill tabled. His written statement is filed with the committee minutes.

ACTION ON H.B. 402: Karen Renne discussed a concern from the Historical Society on whether the patient record would conflict with the public record. She told the Historical Society that that should not happen. Sen. Williams moved the H.B. 402 BE CONCURRED IN. The vote in favor was unanimous. Sen. Williams will carry the bill.

ACTION ON H.B. 471: The amendments were distributed by Karen Renne; she first discussed the intent of "general nutritional information" and the places the term is used.

The next set of amendments covers exemptions for weight control centers.

Sen. Rassmussen moved the first set of amendments endorsed by the sponsor.

Sen. Himsl: Does this set of amendments allow allow or prevent a person to provide information?
Karen Renne: This amendment came from the Diet Center organization. Only limited people can prescribe a diet, but many sellers of nutritional information can provide information.

Sen. Himsl: What about people selling prescribed diets for weight control organizations. Do they have to have these reviewed by a local licensed dietitian?
Karen Renne: They have to have a dietitian available for consultation, but that can be at the the national level. The bill doesn't say anything about local control. These diets have already been approved by licensed dietitians.
Mr. Allen: No, every diet center in town will have to hire a dietitian.
Sen. Eck: Do these centers prescribe diets for an individual?
Mr. Allen: Yes.
Sen. Himsl: Could a doctor examine you and give a diet without consulting a dietitian?
Karen Renne: Doctors are already exempted from the bill because they are already licensed.

Sen. Rassmussen: I would like to make a substitute motion, that we accept this series of amendments, but strike Line 10. The motion carried with Sen. Norman voting no. Amendments 1-9 and 11 were adopted.

Sen. Rassmussen: I would like to move the second set of amendments on the exemption of naturopaths. Their educational training includes a lot of nutrition, and they use that information in training and in practice. This amendment allows them to continue their practice.

Sen. Vaughn: How are they accredited and certified?
Sen. Rassmussen: Their schools are close to accreditation.
Sen. Jacobson: I have talked with Dr. Tietz, who is the head of the Northwest Accreditation Board, and he says that their schools are not close to accreditation. The naturopaths and what they do should be in a separate bill.
Sen. Rassmussen: Will Dr. Berkamp give us his thoughts on accreditation?
Dr. Michael Berkamp: John Bastyr College met the credentials that it was asked to meet, but it was then turned down because it is too specialized. John Bastyr has now opened up a nutrition department and offers a nutrition degree and the school is going through the processes it is being asked to follow. Naturopaths are clinically trained to handle nutritional assessment, and this bill will hurt us. We have tried to get licensed in the state for the past two sessions, but the bills have been killed in the House.

Sen. Rassmussen: The profession is not trying to backdoor in; this was not their bill and they are not attempting that.

Sen. Jacobson: I agree, and I don't think the bill will stop them from doing what they are doing, even if they are not licensed.

Dr. Berkamp: No, this could harm us in assessment and counseling. You have to assess someone to do quality work. The intent is not there, but the wording is.

The question was called on the motion to exempt naturopaths from H.B. 471. The amendment failed on a roll call vote, 6-3. Senators voting yes were Williams, Rassmussen, and McLane. Senators voting no were Eck, Meyer, Vaughn, Jacobson, Himsl, and Hager.

Sen. Williams moved that H.B. 471 BE CONCURRED IN AS AMENDED.

Sen. Rassmussen: I make a substitute motion to table H.B. 471. There has been tremendous controversy over this bill; too many segments of the population have an interest in nutrition, and only one spectrum has written this bill, when the whole industry needs to have input into the writing of it. They should come back with another bill in two years.

Sen. Jacobson: Let's look at a closer to home example. Do you want the opthamologists to write the optometrist bill? These people would simply like to be licensed in their own profession.

Sen. Rassmussen: I don't think that the dietitians have an exclusive hold on the field, so they need to broaden the input into the field.

Sen. Williams: We are eight of fifty. A lot of work has been put into this bill and it is fairer to have it go to the floor.

Sen. Jacobson: I have worked with the dietitians for almost two years; they are not setting up any new boards, and we can correct problems in two years, if any occur.

Sen. Himsl: We operate under a committee system and we understand this complicated problem. We are responsible for making the recommendation.

Sen. Williams: Will the absence of Senators Norman and Hager change the vote?

The motion failed on a roll call vote 5-3. Senators voting yes were Rassmussen, McLane, and Himsl. Senators voting no were Eck, Williams, Meyer, Vaughn, and Jacobson.

Sen. Williams called for the original motion. The motion that H.B. 471 be concurred in as amended passed by a roll call vote of 6-3. Senators voting yes were Eck, Williams, Meyer, Vaughn, Jacobson, and Hager. Senators voting no were Rassmussen, McLane, and Himsl. Senator Eck will carry the bill.

The hearing adjourned at 2:50 P.M.

Dorothy Eck

CHAIRMAN

ROLL CALL

Public Health, Welfare and Safety COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date 3-11-87

NAME	PRESENT	ABSENT	EXCUSED
Dorothy Eck	X		
Bill Norman	X		
Bob Williams	X		
Darryl Meyer	X		
Eleanor Vaughn	X		
Tom Rasmussen	X		
Judy Jacobson	X		
Harry H. "Doc" McLane	X		
Matt Himsl	X		
Tom Hager	X		

Each day attach to minutes.

ROLL CALL VOTE

SENATE COMMITTEE Public Health, Welfare and Safety

Date 3-11-87 Bill No. 471 Time 2:35

NAME	YES	NO
Dorothy Eck	X	
Bill Norman		
Bob Williams	X	
Darryl Meyer	X	
Eleanor Vaughn	X	
Tom Rasmussen		X
Judy Jacobson	X	
Harry H. "Doc" McLane		X
Matt Himsl		X
Tom Hager	X	

Ellen Nehring
Secretary

Dorothy Eck
Chairman

Motion: ~~That H.B.~~ 471 BE CONCURRED IN AS AMENDED.

1987